

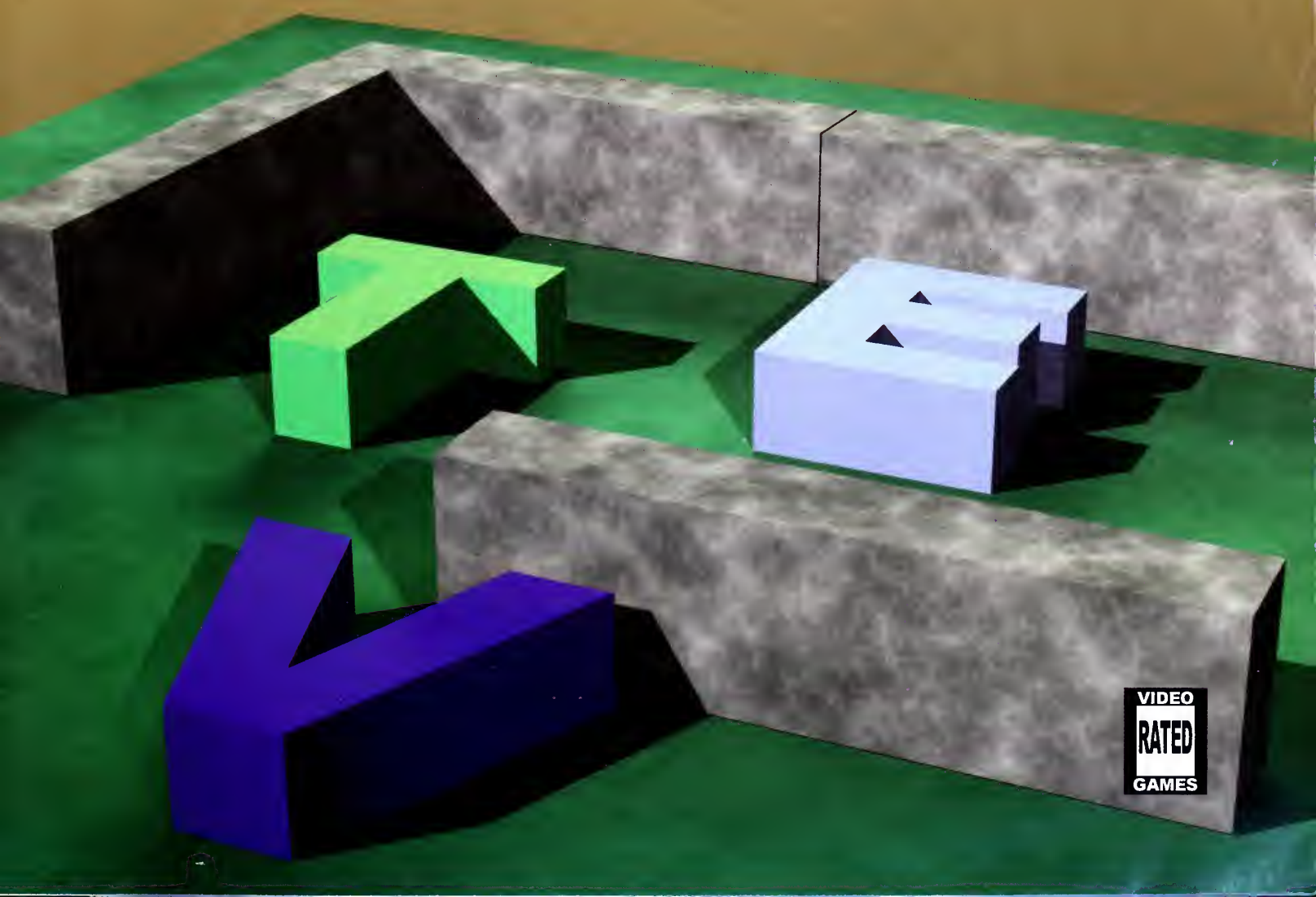
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February 2006 \$3.95

*A publication of the University of Illinois at Springfield*

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*Peggy Bayer Long*



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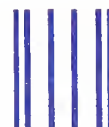
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*Peggy Boyer Long*



## Lawmakers plan a quick trip but we will track the itinerary

by Peggy Boyer Long

**F**asten those seat belts. The spring legislative session is on a fast track. This being an election year, no one wants to run into unexpected controversies. This being Illinois, the ride could get bumpy.

Lawmakers are scheduled to adjourn April 7, nearly two months before the state's constitutional deadline. But in these next few weeks, they'll have a lot of ground to cover.

First stop is the state budget for the fiscal year that begins July 1. To smooth the way, Democrats used their majorities in both chambers last spring to give themselves a two-year financial cushion. In sending this fiscal year's \$54.4 billion budget to Gov. Rod Blagojevich, they pushed off \$2.3 billion in public pension obligations. The move closed an immediate \$1.2 billion revenue gap and provided a \$1.1 billion cushion heading into next fiscal year.

That move could ease continuing budget constraints — or set off a scramble for the so-called "extra" cash.

In either event, if the Democrats ride together, they could blow past

---

*There has been some grinding of gears over the proposal to borrow from the road funds and over the plan to introduce keno. The governor says he can add the game without legislative approval, but he will need Republican votes if he has to increase the state's bonding authority.*

Republicans; their votes aren't needed to pass the budget. But watch for the GOP to raise concerns about deferring liability in the state's five pension systems.

And watch for Republicans to flag proposed increases in the state's bond debt that aren't tied to new sources of revenue.

Capital spending is the second stop on the itinerary. Blagojevich called for

a \$3.2 billion construction program for roads and schools. He argues he can raise some of the \$500 million for school construction by adding keno to the state's lottery lineup, and that he can tap dollars from the state's road funds to finance borrowing.

There has been some grinding of gears over the proposal to borrow from the road funds and over the plan to introduce keno. This could signal trouble ahead. The governor says he can add the game without legislative approval, but he will need Republican votes if he has to increase the state's bonding authority. And most experts say he will.

Though lawmakers will focus on fiscal matters, they have introduced hundreds of substantive measures. Most won't get a vote. A few are worthy of note. Among them is a measure pulling the Illinois Gaming Board out of the Illinois Department of Revenue, making it an independent entity; two granting pharmacists the right to refuse to fill prescriptions for the morning-after pill; and several regulating vicious dogs and their owners.

We touch on these issues in this

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edition. But *Illinois Issues* now has two new reporters in our Statehouse bureau who will help our readers make sense of the action during this fast-paced session.

Bethany Carson is our new Statehouse bureau chief. As the magazine's Public Affairs Reporting intern a couple of years ago, she wrote several in-depth cover stories on such complex and controversial subjects as medical malpractice caps.

She returns to the Capitol this month after a stint in Decatur as the health reporter for *The Herald & Review*, where she has been covering local and state impacts of the new federal law extending Medicare coverage to prescription drugs.

"I feel a lot of things have converged for me," she says about her new position at the Statehouse.

"I've gained a lot in all the different areas where I've lived, from the Chicago suburbs, to rural Illinois, to the industrial town of Decatur."

Her goal, she says, is to offer perspective.

"I approach every story I do with that goal, giving people a perspective on what happened, how we got there and what it could mean to them."

She also has worked as a managing editor. That position at *The Chronicle* of Hoopston right after college gave her a close-up view of local government and politics, and considerable experience in writing, editing and managing a small town newspaper.

Bethany has a bachelor's degree in journalism from the University of Illinois at Urbana-Champaign, where she studied magazine writing, and a master's in Public Affairs Reporting from the University of Illinois at Springfield.



Statehouse bureau chief  
Bethany Carson



Public Affairs Reporting intern  
Jasmine Washington

Jasmine Washington, our Public Affairs Reporting intern for this spring's session, set aside premed studies to take up journalism. She, too, aims to write about policy issues in terms that best serve the public.

"Not too many people pay attention to what's going on in local government and state government," she says. "I really am interested in trying to bring it to a broader audience."

Within a week of her arrival, Jasmine wrote her first story for *Illinois Issues*, a piece on the controversy over pharmacists' rights of conscience on the morning-after pill. It's

an issue that is attracting the attention of state lawmakers throughout the nation.

She will compile the magazine's monthly Legislative Checklist this spring. "I'm going to be interested in how everything is going to be handled in such a short session," she says.

Jasmine grew up in South Carolina. She has an undergraduate degree in journalism from Claflin University in Orangeburg. While a student, she landed a legislative internship with The Associated Press in Columbia, S.C.

We're thankful to have two such dedicated and high-energy reporters in our bureau.

And we're thankful to former *Illinois Issues* bureau chief Aaron Chambers for writing our *State of the State* columns over the past two months. Aaron, who is now Statehouse bureau chief for the *Rockford Register Star*, agreed to help us out again temporarily.

We're good to go now. As are lawmakers.

Buckle up. □

Peggy Boyer Long can be reached at [peggyboy@aol.com](mailto:peggyboy@aol.com).

# Illinois Issues

A publication of the University of Illinois at Springfield

February 2006

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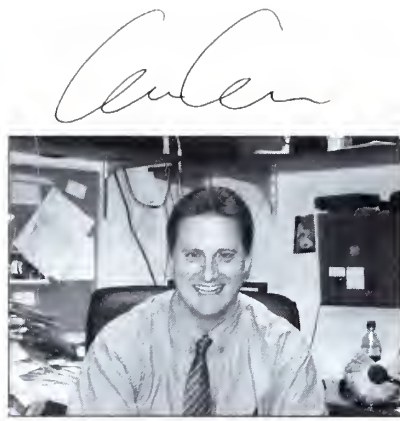
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## Political reform is a player in this year's race for governor

by Aaron Chambers

**T**hese days, when political candidates rely on television ads to promote themselves and blast their opponents, cash forms the backbone of campaigns.

Money, targeted effectively, can move masses. It isn't everything, of course. Spending a personal fortune on a race doesn't guarantee success, as U.S. Senate candidates Blair Hull and Jack Ryan proved in 2004. But it's a big, big deal.

Yet, perhaps more than any other aspect of the political culture, money symbolizes unsavory influence. Those with plenty of cash to spread around for campaigns often are first in line for the government spoils, while those without it are relegated to the end. For this reason, the sway money has in politics and governance is fast becoming a central issue in this year's race for governor.

This produces a paradox, though. Even as the candidates challenging Democratic Gov. Rod Blagojevich raise and spend campaign cash, they have tried to distance themselves from it in voters' minds. If elected governor, several pledge, they will forgo future campaign contributions in one form or another.

As for Blagojevich, such reform would mean abstaining from proven success. Through three years in office, the first-term governor has raised record sums of cash, while his administration has doled out plum contracts and jobs to some of those donors.

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The governor is not talking reform. But, then, as of mid-January he had yet to announce for re-election.

Other candidates already have the message down.

"The message is that you're electing people to public office," says former Helene Curtis executive Ron Gidwitz, a Republican. "They ought to be handling the people's business, not trying to further their political careers. It's just that simple."

Three other candidates for the office — former Democratic Alderman Edwin Eisendrath of Chicago, Republican businessman Jim Oberweis of Sugar Grove and Republican state Sen. Bill Brady of Bloomington — have pledged to forgo certain campaign contributions if elected.

Only Republican candidate Judy Baar Topinka, the state treasurer from

Riverside who has accepted campaign donations from firms doing business with her office, had not taken such a pledge by mid-January. There's plenty of time, though, for every candidate to stake out a strategy on this issue. The primary election is March 21.

Four years ago, Blagojevich handily won election in the midst of a widening federal corruption probe into the activities of then-departing GOP Gov. George Ryan and his inner circle. Blagojevich built his campaign in direct contrast to the perception that Ryan set aside the public interest and tailored his administration to financially benefit a select group of clout-heavy insiders. He pledged to end "business as usual."

Nevertheless, once Blagojevich assumed office, attention quickly turned to his extraordinary fundraising and the news that the largest donations to his campaign fund appeared to coincide with contracts and jobs awarded by his administration. Blagojevich had more than \$14 million on hand at the end of June. On two occasions since taking office, he raised nearly \$5 million in six months, so it's conceivable that he entered this election year with upwards of \$20 million.

Last year, federal and state investigations relating to Blagojevich's fundraising, hiring practices and other matters intensified. At the same time, newspaper investigations highlighted

the links between contributions to the governor's campaign fund and his official actions as governor.

The *Chicago Tribune* found that more than a quarter of individuals and businesses that contributed at least \$50,000 to Blagojevich got state business from his administration. The *Chicago Sun-Times* examined 20 firms that gave a combined \$925,500 to the governor's campaign and found the firms were under contract for more than \$365 million in state work under Blagojevich. The *Daily Herald* reported that nearly one in five dollars collected by Blagojevich's campaign for governor came from firms holding special state contracts and from people or associates of people the governor had tapped for state boards and commissions.

**Blagojevich maintains there** is a "firewall" between his campaign and government operations. He says he views the federal and state probes swirling around him as an opportunity to show just how clean an operation he runs. He has not been charged with a crime, and he denies wrongdoing.

"I think in many ways I was fortunate enough to be governor in the immediate wake of the previous administration, Gov. Ryan's administration," Blagojevich said in late October after his own administration was hit with federal subpoenas seeking hiring records.

"And as we were building our administration, we were mindful of some of the things that happened before, some of the structures that were not in place. And so as we constructed our administration, we were determined to make sure we built in systems that could make sure that we protected taxpayers' money and that we did the best job we possibly can to make sure that people work, work honestly, and do the people's business to the best of their ability."

Still, the governor's opponents are working hard to reinforce the notion that there is, in fact, an inherent conflict in doling out sweet contracts and jobs to campaign contributors. They seek to remind the public of the federal and state probes. When they discuss the governor's administration, they make generous use of the phrase "pay to play."

"The governor made a choice when he

was elected that the focus of this administration would be fundraising, political fundraising, as opposed to the business of the state," says Eisendrath, who is vice president at Kendall College in Chicago. "It's a choice he continued to make throughout his time as governor."

Eisendrath says if he is elected governor he will "not raise one penny of political money" until the final year of his first term or until he secures passage of a law limiting political donations in Illinois. There currently are no such limits.

Topinka, the perceived front-runner on the Republican side of the race, also is pledging "reform." But she has not committed to fundraising limits or restrictions on the awarding of contracts or jobs to campaign contributors. She said in December she would announce a comprehensive ethics plan but had not done so by press time.

Thom Serafin, a Chicago-based political consultant, says Topinka runs the risk of becoming identified "as a representative of Illinois' past" if she fails to embrace significant reforms. During three terms as treasurer, Topinka accepted, by her campaign's own count, \$500,000 from firms doing business with her office. She also is closely associated with powerful Republican insiders who are poised to benefit financially if she wins the governor's office. Topinka declined an interview but reiterated that her ethics proposal is forthcoming.

The remaining Republican contenders, in their bids to out-reform Topinka, have pledged to take a pass on certain campaign contributions.

Dairy magnate Jim Oberweis says he simply won't take any contributions from companies that win business from the state. "That's the first step necessary to end the river of cash that has flowed from companies to politicians and then back again to companies with lucrative state contracts," he says.

This is Oberweis' third statewide run. He previously ran twice for the U.S. Senate.

Brady's plan is considerably more nuanced. He says he, too, will not take contributions from businesses doing business with the state — but his rule would apply only to firms that get contracts not competitively bid. The

implication is that it's easier for an administration to favor contractors when it skirts the bidding process.

Brady adds that his administration would competitively bid all bonding deals and road projects.

"In the case where no-bid contracts are necessary, those vendors and people connected with them should be prohibited from making political contributions for four years from when they receive the contract and for four years preceding the award of the contract," Brady says. "I personally think that people who bid for and get state contracts should have the right to support financially a candidate of their choice as long it's competitively bid."

For his part, Gidwitz says he would cease all fundraising activities during the first two years of his administration. Gidwitz, who once headed the State Board of Education, says he also would push for statutory limitations on campaign contributions.

"One of the things we expect to do is have some campaign spending programs in place to basically create a level playing field for everybody," he says.

GOP activist Andy Martin also is running for governor. Another relative unknown, Addison Democrat Philip Sitkowski filed nominating petitions to run for the office.

**Blagojevich is expected** to kick off his re-election bid early this month. In the meantime, his administration is working overtime to promote the governor's name alongside such initiatives as his All Kids health care program. Conspicuously absent from this publicity blitz is a discussion of ethics — the platform of the governor's campaign in 2002.

Blagojevich spokesman Doug Scofield says it is not clear whether the governor would focus on that issue this time around.

"I think the governor will be talking about the same things he's done for three years," Scofield says. "What's going to separate him fundamentally from the rest of the candidates is a three-year record of achievement on the toughest issues and the most important issues like putting more money in schools." □

Aaron Chambers is Statehouse bureau chief for the Rockford Register Star.

# BRIEFLY

## Governor seeks to sell capital spending plan

On the eve of the General Assembly's spring session, Gov. Rod Blagojevich set out once again to build support for a capital construction program he could call his own.

The governor launched a statewide tour January 10 to break Republican resolve against his plan. During stops in Rockford, Moline, East Peoria and Macomb, he promoted the potential benefits of his \$3.2 billion proposal to build roads, schools and other infrastructure projects.

But when lawmakers kicked off their session the following day, GOP opposition remained. The Republicans did not appear ready to use the only bargaining chip they may have in the last legislative session before the November general election — though GOP leaders insist all they're bargaining for is a sound capital program.

Blagojevich and his fellow Democrats, who control the legislature, could implement an operating budget for the state without a single Republican vote. They could unilaterally adopt myriad policy changes. But without help from Republicans, they can't increase the state's bonding authority — authority that likely is necessary to subsidize any capital plan of considerable breadth.

The governor may have his heart set on a summer packed with ribbon-cutting moments throughout the state, but Republicans are poised to deny the incumbent that prospect. Still, aware that the governor may attempt to blame them if no new program is approved, Republicans are working to show themselves to be thoughtful public servants with legitimate concerns.

This year, in particular, the absence of a capital plan could put Illinois at risk of losing some dollars stemming from the \$286.5 billion federal road program approved last summer. The state needs to put up matching dollars to achieve federal support for certain projects. The state has not yet updated its transportation plan to reflect the federal infusion of cash, and it's not clear how much cash is at issue.

"We as Senate Republicans have been saying for the past year that we're not going to be obstructionists to a capital bill," says Sen. Todd Sieben, a Geneseo Republican. "We do feel that there are certain procedural things that are part of a capital bill to do a capital bill correctly."

As Blagojevich entered his fourth spring session as governor, the legislature had not extended to his administration a dime of fresh bonding authority for capital projects. All the administration's

*Photograph courtesy of the Illinois Great River Road*



*Gov. Rod Blagojevich traveled to promote his \$3.2 billion plan for roads, schools and other projects.*

borrowing for infrastructure projects has been within limits established before Blagojevich took office in January 2003.

The administration did have about \$2.6 billion in unused bonding authority as of early January, according to the Commission on Government Forecasting and Accountability, the legislature's fiscal arm. However, commission Executive Director Dan Long says much of it already was committed to ongoing projects.

The state tends to issue bonds in chunks when more money is necessary to support ongoing projects.

"I'm not saying they can't delay projects or reprioritize, but this \$3 billion bond program they're talking about is not going to come out of this money," Long says. "They need increased authorization to do that. You're not going to squeeze it out of the current authorization."

The Republicans want the governor to identify a fresh source of revenue sufficient to pay back any necessary borrowing. Blagojevich said his latest plan would be financed, in part, by creating a new keno lottery game that could be played in the state's taverns. This plan quickly drew fire at the Capitol from anti-gambling forces.

The governor also insisted — just as he did with his last plan — that he could finance borrowing with dollars from the state's road funds. Downstate lawmakers, whose constituents depend on road construction jobs, are cool to increased diversions from those accounts.

**For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>**

The Republicans also want the governor to articulate exactly how the state would distribute cash through any new capital program. And they want him to release all the grants earmarked under the previous capital program, called Illinois First: when he took office, the governor froze those grants, set aside for community projects around the state.

"The whole trust issue is a major problem with us and the Democratic caucuses," says Senate Minority Leader Frank Watson, a Greenville Republican.

Democrats have expressed reservations about Blagojevich's word. In the spring of 2004, Democratic lawmakers took the lead on requiring Blagojevich to etch his commitments into dozens of unprecedented memorandums of understanding. Democrats, like Republicans, also are waiting for the governor to release the "member initiative" grants earmarked under Illinois First.

Former GOP Gov. George Ryan ushered Illinois First, a \$12 billion capital program, through the legislature during his first year in office. To sweeten the deal for lawmakers, Ryan and legislative leaders agreed to distribute more than \$1.5 billion of that money in the form of member initiative grants to local governments and community groups around the state.

Still, as the debate over capital construction continues into this election year, the Democrats are keeping any problems they may have with Blagojevich to themselves.

Sen. President Emil Jones Jr., a Chicago Democrat, says Republicans will only hurt themselves by opposing the governor's plan. He says districts represented by the GOP have capital needs just like those represented by Democrats.

"If an individual wants to be partisan along those lines, it only hurts their own districts and their own communities," Jones says.

Steve Brown, spokesman for House Speaker Michael Madigan, another Chicago Democrat, says Republicans should blame themselves for the lack of a new capital program. Last spring, Democrats unilaterally approved the state's budget after Republicans balked at their budget plans.

"The Republicans have really not participated in the budget process since last May, and for as long as they continue on that track, it will be impossible to do any kind of a capital plan," Brown says. "As long as they're in this withdrawal mode, nothing is going to happen."

Aaron Chambers

Statehouse bureau chief, Rockford Register Star

## CLIPFILE

“ [A]t the risk of being contrarian, let me suggest that the most significant results of 2006 will not involve the [U.S.] Senate or House but instead will be found in six Midwest governors' races. ”

David S. Broder in a January Washington Post column. He wrote that congressional races are sure to capture headlines, but the governor's races in six states, including Illinois, "will tell us more about the direction of the country and the shape of the 2008 presidential battleground than any of the battles for Capitol Hill."

## LEGISLATIVE CHECKLIST

Lawmakers are scheduled to wrap up their spring session the first week in April, leaving them little time to address complicated or controversial issues. The major item of business, as always, will be the state budget. However, last spring Gov. Rod Blagojevich and Democratic lawmakers, who control both chambers, gave themselves some fiscal leeway by agreeing to defer \$1.1 billion in state pension payments next fiscal year. The most politically contentious issue will be the governor's proposed \$3.2 billion capital spending program for roads and schools. Most of his plan would require the state to issue bonds, meaning he would need support from Republican leaders. Lawmakers also introduced hundreds of other measures. Here's a sample.



### Gambling oversight

The Illinois Gaming Board would be an independent entity under legislation introduced in the House. Currently, the board is under the Illinois Department of Revenue. The measure also would ban members from holding other public offices. They now are banned from paid posts.



### Vicious dogs

Responding to a growing number of reported attacks, including an incident in McHenry County involving four adults and two children who were injured by three pit bulls, representatives of both parties are pushing for tougher restrictions on dogs and their owners. One House measure would allow municipalities to ban certain breeds of dogs, including pit bulls and rottweilers. That proposal also would require owners of those breeds to have liability insurance. Owners could face penalties if their dogs cause damage, injury or death. Another measure would create a relief fund to compensate victims and their families for medical bills.



### Child protections

Sex offenders would have to stay almost half a mile away from public parks and schools under one proposal introduced in the House. Now they cannot reside within 500 feet of schools, playgrounds or any building with programs for children. The measure would increase that distance to 2,000 feet.



### License plates

Illinois drivers would have more specialty license plates to choose from under proposals introduced in both chambers. From plates for NASCAR fans to those aiding such health-related initiatives as the American Cancer Society's Relay for Life and ovarian cancer awareness, these proposals could add to the more than 50 special plates available to drivers. A Senate proposal would create a license plate for military servicemen and women who received the Iraq or Afghanistan Campaign Medal.



### Species scratch-off

Proceeds from a lottery instant scratch-off game would be designated for the care of endangered species under one House proposal. If approved, it would be the second state scratch-off benefit program. Revenues from the first target breast cancer.

Jasmine Washington

## Governor's rule on morning-after pill may have political side effect

A pharmacist's right of conscience could trump a doctor's professional judgment on morning-after pills if legislation introduced in the Illinois House is approved.

Rep. Ron Stephens, a Greenville Republican, wants to overturn Gov. Rod Blagojevich's controversial rule requiring pharmacies to fill prescriptions for the emergency contraceptives. Stephens' measure would allow individual pharmacists to step away because of personal or religious values.

Stephens, a Metro East pharmacist for 31 years, says the governor created a solution for a problem that didn't exist. "Women in Illinois are not being denied the right to have their prescription filled," he says. "What is being denied is the right of a very small minority of pharmacists that believe that taking [the morning-after pill] is the same thing as ending a pregnancy."

Three pharmacists in the Metro East region, who argue the pill constitutes abortion, have challenged the governor's rule in court.

Carlyle Democrat Kurt Granberg, who also represents the region, has filed similar legislation.

Planned Parenthood, which supports abortion rights and the governor's rule, plans to fight the legislation. Brigid Leahy, vice president of the Illinois Planned Parenthood Council, says it could give pharmacists the opportunity to impose their moral beliefs on others.

"Today it may be a pharmacist saying I don't want to fill a [prescription for] birth control, tomorrow it may be a pharmacist disagreeing [with] the medication for your depression,

alcoholism or treatment for HIV or AIDS," she says.

Though most states, including Illinois, have broad health care workers' conscience laws covering doctors and nurses, Jody Ruskamp-Hatz, a policy specialist with the National Conference of State Legislatures, says the emerging national trend is for states to consider including pharmacists under those protections.

She says that, as of June, 13 states, including Wisconsin, had legislation pending allowing pharmacists the right to refuse to fill some prescriptions. Only Arkansas, Georgia, Mississippi and South Dakota, according to the conference, have laws permitting pharmacists to refuse to dispense emergency contraceptives because of moral objection.

Meanwhile, lawmakers in Missouri, New Jersey and West Virginia have introduced measures that would require pharmacists to fill all prescriptions.

Illinois is the only state with an emergency rule covering the issue. The governor issued the one-of-a-kind emergency provision in April requiring all prescriptions to be filled after a Chicago pharmacist cited religious beliefs for refusing to fill a prescription for the emergency contraceptive Plan B. A bipartisan legislative panel upheld the rule in May. Since then, pharmacists have filed suits in federal and state courts.

The measures introduced by Stephens and Granberg would amend the Pharmacy Practice Act of 1987, a statute that defines the pharmacy profession in Illinois. Their proposals would allow pharmacists to refuse to fill prescriptions for

### *What the states are doing*

According to the nonpartisan National Conference of State Legislatures, states are increasingly debating pharmacists' rights regarding prescriptions for morning-after pills. But they are taking different approaches to the issue.

Alaska, California, Hawaii, Maine, Massachusetts and Washington are among the states where women can get emergency contraceptive pills without a prescription. Further, California law includes provisions to discipline health care providers for refusing to fill other prescriptions unless they have informed their employers of their religious or moral beliefs.

Maryland and New York lawmakers failed in their efforts to allow pharmacists to dispense emergency contraceptive pills without prescriptions.

Meanwhile, Wisconsin's attorney general has filed suit against the Food and Drug Administration for taking too long to consider rules to let Plan B be sold over the counter.

Arkansas, Georgia, Mississippi and South Dakota allow pharmacists to refuse to dispense emergency contraception. Indiana lawmakers have introduced legislation that would protect individuals from having to dispense "artificial birth control" as a part of their employment. And Michigan's

House approved a measure that shields health care providers, including pharmacists, from penalties or liabilities if they conscientiously object to providing certain health care services.

At the other end of the spectrum, Missouri lawmakers have introduced legislation that would require pharmacists to fill prescriptions despite religious beliefs unless their employers can accommodate them without inconvenience. And legislation has been introduced in New Jersey that would prohibit pharmacists from refusing to dispense medication solely for philosophical, moral or religious reasons.

West Virginia has pending legislation in both chambers. A House measure would allow pharmacists to refuse to dispense medication under special circumstances and authorize the state Board of Pharmacy to conduct investigations of any pharmacist who receives a written complaint. In the West Virginia Senate, a measure would allow pharmacists to step back from filling any prescription that violates their right to exercise their conscience. An employer who forces a pharmacist against his or her conscience would be guilty of a misdemeanor and face fines of up to \$500.

*Jasmine Washington*

a drug or drugs that prevent pregnancy when used after intercourse “and that are found safe and effective by the U.S. Food and Drug Administration.” The FDA has ruled Plan B to be safe and effective.

Three suits challenging the governor’s emergency rule were filed in circuit courts in Lake, Sangamon and Whiteside counties. And, late last year, the American Center for Law and Justice, a conservative anti-abortion law firm founded by Pat Robertson, filed a federal suit against the governor and the Illinois Department of Financial and Professional Regulation on behalf of seven pharmacists, five of whom had been placed on unpaid leave by Walgreens Co. after declining to follow the governor’s mandate because of their religious convictions. The attorneys allege the pharmacists’ First Amendment rights have been violated.

Francis Manion, the lead attorney in that case, says the proposed legislation is designed to make it “absolutely 110 percent clear” to the governor and others that pharmacists are covered under the state’s revised Health Care Right of Conscience Act of 1998. That law protects health care professionals’ right not to participate in any health care service that violates their moral beliefs.

Manion says the conservative legal group wrote letters to pharmacists in other states explaining their rights concerning this type of legislation, but it has not filed a lawsuit in any other state because no other pharmacists have requested their help.

“The fact of the matter is that 99.99 percent of the time, they will fill [the prescription] because that’s what they are in business for. But when there is a controversial aspect to the drug that has been prescribed, most pharmacists believe that they have the autonomy to say that we are professionals. The doctors don’t have to prescribe it, [doctors] don’t have to hand it out and neither do [pharmacists].”

Gov. Blagojevich said in his State of the State address that any measures reaching his desk that seek to overturn his rule are “dead on arrival.”

*Jasmine Washington*

### ***How the pill works***

Emergency contraception is a form of last-minute birth control used to prevent a pregnancy after unprotected sex. The so-called morning-after pill contains high levels of the same hormones found in birth control pills. It works by stopping ovulation, fertilization or implantation. It doesn’t work if a woman already is pregnant.

The medication is most effective if taken within 72 hours after intercourse. Taking two doses, typically 12 hours apart, can reduce the risk of pregnancy by 50 percent to 89 percent. The Food and Drug Administration approved the emergency contraceptive kit, Preven, in 1998 and the morning-after medication, Plan B, in 1999. The federal agency has been mulling rules covering over-the-counter supplies of Plan B since 2003.

*Jasmine Washington*

## **CONGRESSIONAL ETHICS**

### **Members of the Illinois delegation return Abramoff-related donations**

U.S. House Speaker J. Dennis Hastert and other Illinois representatives pledged to divest themselves of campaign contributions related to lobbyist Jack Abramoff, who is at the center of a federal investigation into corruption in Congress.

Abramoff pleaded guilty to fraud, tax evasion and corruption following accusations that he defrauded his Native American clients of millions in fees. He agreed to cooperate with federal prosecutors.

It’s not illegal to accept campaign cash from Abramoff. Nonetheless, once he entered a plea agreement, members of Congress issued pledges to shed their share of the more than \$4.4 million in political contributions Abramoff or the clients he represented have donated since 1999.

Hastert, a Republican from Plano who got more than \$69,000 in campaign contributions from Abramoff and his clients, reportedly turned that money over to charity.

He also has called for ethics reforms in light of campaign cash scandals that led U.S. Rep. Tom DeLay, a Texas Republican, to agree not to try to regain his House majority leader job. DeLay is awaiting trial over accusations he participated in a scheme to launder campaign cash.

Democratic U.S. Sen. Richard Durbin of Springfield issued a release stating he would donate \$11,000 — the equivalent of campaign cash he had received from Abramoff-related organizations — to the American Indian Center of Chicago and the American Indian Health Service of Chicago. He said he made that decision because “Mr. Abramoff’s web of influence was so widespread and corrosive.”

Other Illinoisans reportedly rejecting campaign contributions from Abramoff were Democratic U.S. Rep. Lane Evans of Rock Island and Republican U.S. Reps. Donald Manzullo of Egan and Jerry Weller of Morris. According to the Center for Responsive Politics, each received less than \$10,000 from Abramoff or related interests.

*The Editors*

## **PRESS BOX**

The *Chicago Tribune* reported that a close associate of Gov. Rod Blagojevich is a lobbyist for the company that could run a keno game the governor wants to add to the state lottery.

Blagojevich announced last month he plans to use revenue from the new game to cover some costs of his proposed capital construction program. The *Tribune* reported that in November John Wyma, a player in Blagojevich’s 2002 campaign for governor, registered as a lobbyist for GTECH Corp. According to the *Tribune*, the firm received \$27 million last year for operating lottery games for the state and could profit from the new game.

Wyma told the *Tribune* he “lobbied no one about keno.” A GTECH official said it was “already in discussions with the state about keno.” But, the *Tribune* wrote, “the emergence of Wyma’s name raised new questions about an administration already fending off allegations that members of the governor’s inner circle have influenced the awarding of state contracts.”

## DEER ON THE EDGE

### Study tracks contacts with people and deer

*Photographs courtesy of the U.S. Fish and Wildlife Service*

Researchers have moved their study of human-deer interactions in Illinois from the exurban environment to an agricultural one.

Last month, wildlife biologists at Southern Illinois University Carbondale began a five-year study tracking the travels of the deer population in the Shelbyville State Fish and Wildlife Management Area, a 6,000-acre parcel at the north end of Lake Shelbyville in east central Illinois.

The researchers were among those who recently completed a three-year study of human and deer interactions in an exurban area (residential developments outside city limits) northeast of Carbondale. Researchers tracked 37 deer with radio collars. They also surveyed 159 residents about their interactions with deer.

Researchers noted the deer stayed away from the immediate area surrounding houses but were attracted to such "edge" areas as nearby fields or woods. "This, of course, leads to the potential for lots of interactions between deer and people," says Eric Schaubert, a wildlife ecologist with SIUC's Cooperative Wildlife Research Laboratory and an assistant zoology professor at the university.

Potential conflicts include car strikes, devoured gardens and the outside chance of deer attacks. Seven attacks occurred on the SIUC campus in June, sending at least two people to the hospital for stitches. Such attacks are unlikely but could become more prevalent as deer become more accustomed to living near humans.

"We found a large proportion of people had experienced some sort of negative interaction with deer. However, most did not consider this unacceptable," Schaubert

says. Of the respondents who grew plants, 82 percent reported deer damage, while 52 percent reported that someone in their immediate family had been involved in a deer-vehicle crash.

"When you see any kind of a development in an area that becomes closed off to hunters, basically what you've created is a deer refuge," says Marty Jones, who is urban deer project manager for the Illinois Department of Natural Resources.

People who live in that exurban area can anticipate that the incidence of conflicts between human and deer will rise because human and deer populations are climbing, Schaubert says.

The likelihood of deer and human interactions increasing in newly developed areas applies throughout the state, which has a "healthy deer population," says Jones.

The conflicts would be cut back, Schaubert notes, if landowners in exurban areas would allow hunting on their property. "Where it is safe, it is something to be considered, or residents can anticipate greater potential for conflict between people and deer."

Only 19 percent of the people surveyed allowed deer hunting on their property.

The 91 percent survival rate of deer in the exurban region turned out to be much



higher than that for the animals in protected urban or suburban settings and that for rural regions where hunting occurs, he says.

Jones says the Department of Natural Resources encourages property owners whose land is traversed by deer to allow hunting if the setting is safe. Firearm hunting of deer is not permitted within a 300-yard range of dwellings without the owner's permission.

Meanwhile, in the study now under way in the Shelbyville area, researchers are particularly interested in where deer travel from that spot, which, Schaubert notes, has wooded sections but is bounded by a "corn desert."

The Illinois Department of Natural Resources administered funding for both studies through the Federal Aid in Wildlife Restoration Program, Schaubert says.

*Maureen Foertsch McKinney*

## Used tires get second spin in landfills

The Illinois Environmental Protection Agency is using a new means to contain abandoned landfills: shredded tires.

A state-funded study found that using shredded tires as a landfill liner would be cheaper and more environmentally friendly than traditional sand or gravel. The Illinois Department of Commerce and Economic Opportunity sponsored the study to measure the effectiveness of using cut-up scrap tires as a cover at two Illinois waste facilities.

The researchers were Krishna Reddy, professor of civil engineering at the University of Illinois at Chicago, and Timothy Stark, professor of civil and environmental engineering at the University of Illinois at Urbana-Champaign.

An estimated 12.5 million tires are discarded each year in Illinois. But dumping whole tires in landfills has been banned in the state because they tend to "float" to the top and produce leachates, which can contaminate groundwater. Stockpiling old tires elsewhere poses hazards, as well. They can catch fire, releasing noxious chemicals, and provide habitat for disease-carrying mosquitoes.

The study was designed to evaluate a possible solution to these problems.

The researchers tested tire chips of different sizes in the laboratory. They also shredded tires into rough pieces about 4 inches by 6 inches, and put them down as final cover in an abandoned Carlinville landfill. This size is more cost-effective, Reddy says. He and Stark closely monitored the central Illinois site, using such indicators as settlement, flow rates and water quality.

The researchers also evaluated the tires' performance at a waste facility site on Chicago's South Side where the state EPA began testing several years ago. The results showed that tire chips work as well as sand or gravel to contain landfills and are cheaper. Stark says, "It is anticipated that the cost and shipping of the sand and gravel will be greater than the cost of shredded tires for most, if not all, sites in Illinois." He and Reddy reported that shredded tires could be used for drainage material in new landfills and for remediation of old sites.

The state EPA, which works to cover and contain abandoned landfills, now considers this new option for use in its projects. Depending on conditions at individual sites, such heavier materials as rock and sand may be preferable, says Todd Marvel, manager of the Illinois EPA's Used Tire Program. But the shredded tire medium "has certain engineering qualities that make it advantageous to other materials. And then there's the cost." The Illinois EPA has implemented tire shreds as a lightweight cover material in three old landfills.

Vera Leopold

## State's farmers can now enter the blogosphere

The world of bloggers is welcoming Illinois farmers. The University of Illinois Cooperative Extension Service introduced in December an Internet site that the agency updates daily with information on agricultural economics and engineering, crop and animal sciences, and veterinary medicine.

The blog, called *the farm gate*, is located at <http://www.farmgate.uiuc.edu/>.

The blogger is the extension service's Stu Ellis, a former Decatur broadcast journalist and former Illinois Farm Bureau and American Soybean Association executive. His extension service tasks have included acting as the U of I's liaison to the 2005 Farm Progress Show.

## Kits aim to help keep heating costs down

The Illinois Department of Healthcare and Family Services distributed 55,000 Home Energy Conservation Kits to low-income families. The kits include low-watt fluorescent light bulbs, weather stripping, rope caulking and plastic installation.

The kits were paid for in part through a \$500,000 matching grant from Northern Illinois Energy Project, a partnership that creates programs to promote energy conservation and reduce electricity costs for Commonwealth Edison's residential customers. Partners include the Citizens Utility Board, the city of Chicago and the Cook County state's attorney's office. The kits also list such energy-saving tips as caulking windows and doors, adding attic insulation, sealing electrical outlets and buying energy-efficient appliances.

## UPDATES

- The Illinois Gaming Board revoked the Emerald Casino license. (See *Illinois Issues*, January, page 9.)
- Illinois Attorney General Lisa Madigan is training retailers who now are required to see IDs to sell medicines that are key ingredients in methamphetamine. (See *Illinois Issues*, September 2005, page 16.)
- Gov. Rod Blagojevich ordered a statewide water supply and management plan. (See *Illinois Issues*, September 2005, page 28, and July/August 2005, page 10.)

## Class to air Super Bowl ad

A radio-television class at Southern Illinois University Carbondale made a commercial that is scheduled to air locally between the first two quarters of the February 5 Super Bowl game.

The 30-second spot for Banterra Bank will be aired by WSIL-TV, which serves about 150,000 homes in Illinois, Kentucky and Missouri.

## February is Children's Dental Health Month!

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IS SOMETHING  
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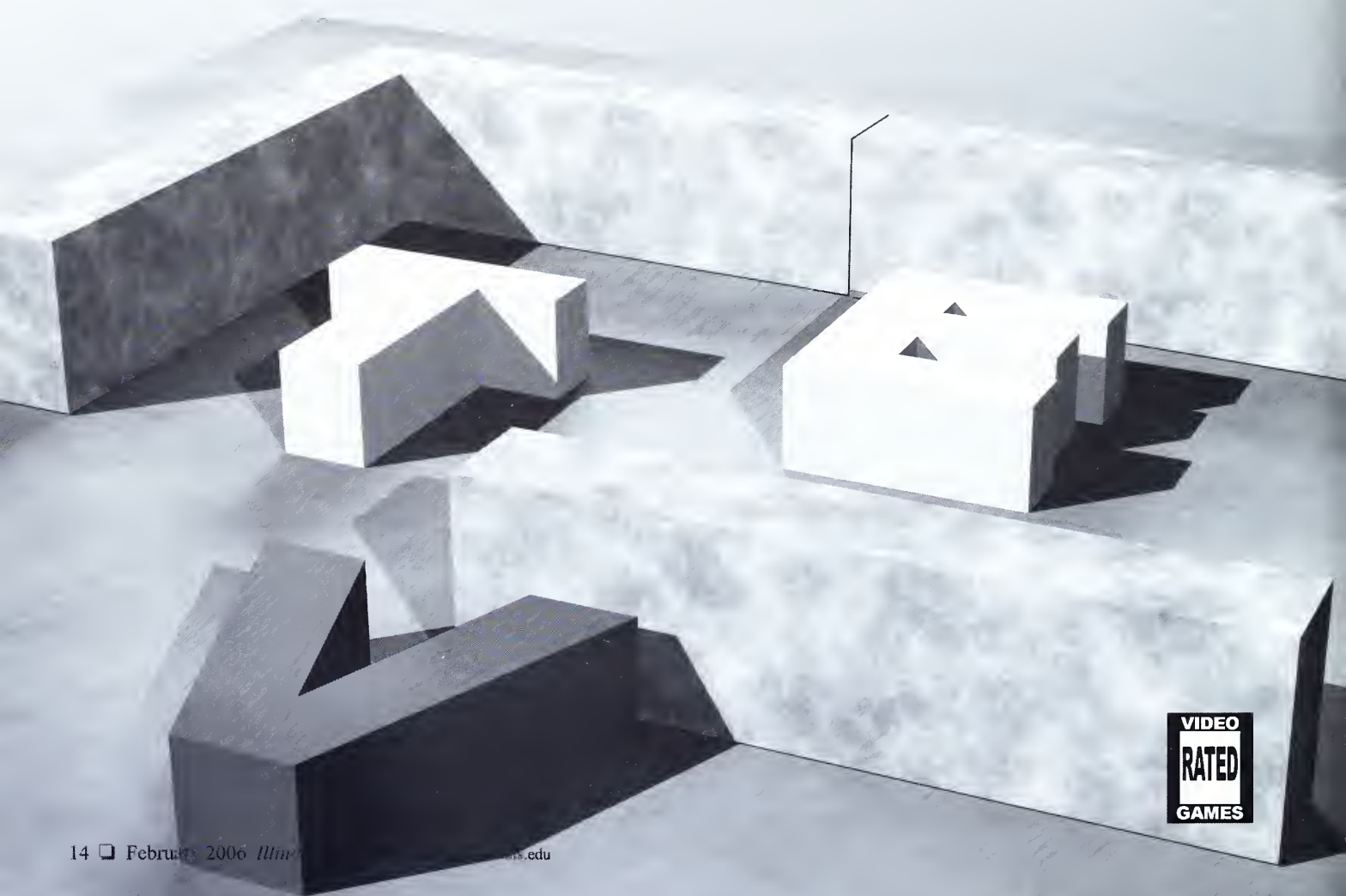


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# RATING GAME

You got trouble with a capital T  
and that rhymes with V for video toys



VIDEO  
RATED  
GAMES

by James Krohe Jr.

“The love of pleasure [among the young] will not be denied,” wrote Jane Addams from Hull House nearly a century ago, “and when it has turned into all sorts of malignant and vicious appetites, then we, the middle aged, grow quite distracted and resort to all sorts of restrictive measures.”

Resorting to restrictive measures has become routine in a nation whose commercial genius seems devoted to concocting ways to stimulate malignant and vicious appetites among the young. Every generation since Addams’ has seen some new popular entertainment threaten to transform the nation’s young into sex fiends or drug addicts or Communists or school drop-outs. In the 1920s, it was hot dancing and short skirts; in the 1930s, it was suggestive Hollywood movies; in the 1950s, it was comics and rock ‘n’ roll; in the 1960s, it was, well, everything. In 2000, much of a presidential campaign was devoted to demonstrating which candidates could out-damn movie studios and music companies for pushing products at children that would shock a brothel madam of a generation ago.

At the moment, the threat to Illinois kids is nasty video games. The governor, of late, has sounded as if he might burst into song at any moment, right there on the steps of the Statehouse, à la Professor Harold Hill. “Ya got trouble my friends,” Mr. Blagojevich has been saying, in effect. “With a capital ‘T’ and that rhymes with ‘V’ and that stands for video games!”

Video games have vexed Concerned Parents for years, and as the games’ sophistication and popularity have grown, so has unease about possible ill effects. No Illinois politician facing a statewide race will dare be indifferent to the suburban moms who have complained loudest, so in 2004 Blagojevich ordered into being a Safe Games Illinois Task Force to study the issue and advise him — meaning, in the time-honored fashion of such bodies, to dig up plausible reasons for the position he’d taken in favor of restricting their sales.

The result was the Safe Games Illinois Act, proposed by the governor and approved by the Illinois General Assembly last May. The new law would have made punishable by a fine of up to \$1,000 the sale to minors of “excessively violent” or “sexually explicit” video games. The law stirred the games industry and retailers to call their lawyers, who filed suit.

In December, U.S. District Court Judge Matthew Kennelly in Chicago ruled that the facts did not demonstrate a social risk from youthful gaming sufficient to justify what would have been an infringement on freedom of speech. Illinois parents could again hear howling wolves creeping closer to their children’s bedrooms.

In previous eras, Chicago, a city that offers more temptations to the young, led the state in campaigns to protect them. Amusement parks were a little too amusing for the Chicago Law and Order League, which in 1909 publicly denounced the White City amusement park as a bad influence on children. In order to “protect and purify” Illinois’ children, the stalwarts of what became the Juvenile Protective Association shamed and bullied lawmakers into banning booze at the city’s dance halls, where young women of the lower-middle and working classes met and socialized with young men away from the glaring eyes of their strict parents. In the name of children, reformers also made certain that pictures shown in the nickel cinemas were carefully censored so that — as Addams boasted — “those series suggesting obscenity and criminality have been practically eliminated.”

Jane Addams is only the most famous Illinoisan to take up the cudgel against popular culture-mongers on behalf of the young. The list of local school boards that have banned popular novels by the likes of Mark Twain, Harper Lee and Judy Blume includes several in Illinois. Efforts in the 1950s to keep Marxists out of college classrooms were pursued by people who did not understand leftist ideas to protect students they assumed could not withstand them.

However, attempts to make Illinois safe for the young have failed many

more times than they have succeeded. Laws to restrict the sale of supposedly obscene or otherwise objectionable material, for example, seldom pass constitutional muster. Nor have the civil courts been much help in disciplining what many see as irresponsible corporate conduct. Relatives of some of the 13 people killed in 1999 when two teen boys shot up Columbine High School later sought \$5 billion in damages from 25 gamemakers, alleging their products turned the boys (one of whom had nicknamed a gun they used after a character in *Doom*) into “monster” killers. The claim was tossed out of court as unprovable.

Producers and purveyors of problematic entertainments have proven more vulnerable to public shaming than to law. The Chicago Law and Order League was one of the groups that persuaded proprietors to replace peep shows and sideshows in turn-of-the-20th-century amusement parks with the mechanical thrills that remain a staple of the industry; in the same way, the dance halls condemned by the Juvenile Protective Association morphed into respectable “ballrooms.”

Of course, implicit in such campaigns is the threat of an official crackdown if they fail. The wisdom of that strategy — give in a little to the bluenoses to avoid giving in a lot to the cops — has been impressed on leaders of one branch after another of the U.S. entertainment industry. Hollywood in 1930 adopted the prudish Hays Code, which turned popular film away from sex toward suds. In the 1950s, comic book publishers set up the Comics Code Authority, whose certification was a guarantee of wholesomeness, after Dr. Fredric Wertham’s *Seduction of the Innocent* convinced many gullible readers — including some U.S. senators — that reading comic books caused juvenile delinquency.

In 1985, the Parents’ Music Resource Center was founded by a group of political figures’ wives (the Mothers Of Prevention, as Frank Zappa memorably dubbed them) who were convinced that rock music celebrated violence and crime and encouraged suicide and drug use. It does, of course — that’s why kids listen to it — but an indulgent U.S. Senate

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***To head off congressional busybodies, the games industry in 1994 set up the Entertainment Software Rating Board. These content ratings — six classes from EC (Early Childhood) to AO (Adult Only) — are trustworthy enough.***

held committee hearings to explain to everyone else the dangers posed by “pornographic” rock lyrics. The specter of a federal clampdown frightened the Recording Industry Association of America into agreeing to the Parents Music Resource Center demand that warning labels be affixed on CDs containing “explicit” lyrics.

Meanwhile, complaints about the content of video games were piling up. To head off congressional busybodies, the games industry in 1994 set up the Entertainment Software Rating Board. These content ratings — six classes from EC (Early Childhood) to AO (Adult Only) — are trustworthy enough. The problem is that compliance with their strictures by retailers is voluntary — and thus mostly ignored, save by the biggest and most image-conscious retailers. But even responsible retailers often fail as sentries. In 2005, the National Institute on Media and the Family, a respected watchdog group, undertook a secret shopper survey and found that boys as young as 9 were able to buy M-rated (for “mature”) games 42 percent of the time and girls were able to purchase M-rated games 46 percent of the time.

The ultimate decision about who can buy what is made by the store clerk on the floor — as often as not, a young gamer. Some store chains must resort to incentives (what in a franker age would have been called bribes) to get their own staff to comply with the stores’ own policy of respecting rating board strictures, such as giving \$20 gift cards to employees

who don’t sell proscribed games to decoys.

The attacks on commercial pop culture come sometimes from the Offended Right, sometimes from the Worried Left, the former usually fretting that popular entertainment might corrupt their young, the latter that it might deform them. The nature of the outrage matters, too. The aging peace-and-love types tend not to be bothered by foul language and nudity, but they are troubled that so many popular games gleefully violate virtually every tenet of political correctness. Villains and victims alike in violent games are disproportionately people of color, which, though bad for whites because it reinforces cultural stereotypes, is worse for racial minorities because it offers such dubious role models. They also debase women; in *Dead or Alive*, marketed in the late 1990s, female characters’ breasts bounced while they were fighting. Whether this marked an advance for feminism we will leave to others to argue; it certainly marked an impressive technological advance. (As a concession to taste, perhaps, or to eliminate a distraction, the thoughtful programmers made the bouncing a feature that could be turned on or off.)

However, it is educated boomers’ anxieties about the harmful effects of vicarious violence that pushed regulation of video games onto state government’s to-do list. (We will ignore for the moment the vexed question of whether playing violent video games makes one a violent person. In political terms, it matters only that lots of people think it does.) As parents, the aging Woodstockians have made violence in child entertainment an issue since the days of GI Joe dolls, Teenage Mutant Ninja Turtles, Power Rangers and professional wrestling.

The mayhem and gore that features in most of the most popular games makes those diversions look like, well, kids’ stuff. The first controversial arcade game back in the ‘70s was titled *Death Race*; the games that have followed — *State of Emergency*, *Splatterhouse*, *Grand Theft Auto*, *Street Fighter*, *Evil Dead*, *Thrill Kill*, *Mortal Kombat* and hundreds of others — contain ever more violence that is rendered ever more realistically. Columbine gave new urgency to calls for action from middle-class parents

terrified that their Devon or Killian will be turned into a killer.

The critique of violent video games is a new article in the social left’s long-standing indictment of violence in American culture. A nation that, as measured by crime, TV fare or military spending, is the most violent in the developed world is a nation in which video games are not the most dangerous threat to the young. Nasty video games don’t create a culture that celebrates violence, they are artifacts of it. Sony in 2003 tried to register “shock and awe” as a trademark for its Playstation division a few days after the phrase was unveiled as the Pentagon’s code name for its upcoming assault on Baghdad. After a barrage — sorry — of complaints, the company called the move “regrettable bad judgment” and withdrew the application. The spectacle of Sony attempting to turn into a game a real-life invasion that was being marketed as if it were a video game left many observers feeling as though they were in a house of mirrors.

Protecting the young is not made easier when virtual violence is being peddled by one’s own government. *America’s Army*, which the BBC described as a typical first-person shooter game, a “shoot-em-up, get-the-bad guys kind of affair,” today has more than 5 million registered players. It was produced by the U.S. Army, which released the game for free in 2002 as a recruiting come-on. It is hard to see how a war game cannot be excessively violent, as defined by the now-kaput Illinois statute. That left Springfield attempting, through the Safe Games Illinois Act, to prevent youths of 17 years and 11 months from pretending to do what, as 18-year-old enlistees, Washington will pay them to do for real one month later.

“Life is a video game, old chum,” sing the brass at the Pentagon. U.S. troops increasingly are trained using video games, partly because using video games to train people how to kill is cheaper, and less risky, and partly because most recruits find the technology congenial. What effect this may be having on troops in the field may be inferred from the shoot-first-and-ask-questions-later manner in which U.S. troops make forays into hostile territory in Iraq. This mimics precisely many of the video

games that gave so many young troops their first experience of a finger on a trigger. Thus does life imitate art imitating life.

Some of these ultra-realistic combat training games are making their way into commercial products. *Full Spectrum Warrior* is a squad-based, real-time tactical combat game that allows players to “experience the intensity and gritty realism of urban warfare.” Players posing as squad leaders get to take command and coordinate the actions of two infantry squads, leading them through a hostile urban war zone — read Baghdad — using equipment based on real-world weaponry. *Full Spectrum Warrior* is based on a light infantry training simulator developed by the U.S. Army-funded Institute for Creative Technologies at the University of Southern California.

Diane Levin and Nancy Carlsson-Paige, authors of *The War Play Dilemma: What Every Parent and Teacher Needs to Know*, have complained that a violent game “conveys the messages that hurting other people is acceptable, even exciting, and that violence is the method of choice for resolving conflicts.” But the message that hurting other people is acceptable, even exciting, and that violence is the method of choice for resolving conflicts is one that Washington has been eager to convey to America and the world. The impression that our military regards war as a game was confirmed a year ago when a three-star Marine general just back from Afghanistan and Iraq said in a speech that it is “a hell of a hoot” and “fun to shoot some people.” It is hard to say whom we ought to worry about more: our generals sounding like 13-year-olds, or our 13-year-olds sounding like generals.

If government seems confused, and industry indifferent, what is an outraged citizen to do? The governor has proposed something like vigilantism; after Judge

Kennelly’s ruling, Blagojevich urged a grass-roots effort to stigmatize merchants who fail to police themselves. Stigmatization has its appeal — we could start with politicians who take simplistic positions on complex issues — but are lax merchants the only villains? What about the parents who fail to police their own children? If parents did their jobs, after all, the government wouldn’t have to. The gradual incorporation of parental controls on the game console that make

*Photograph courtesy of the National Aeronautics and Space Administration*



*Researchers at NASA’s Langley Research Center in Virginia used biofeedback to make video games respond to the player’s brainwaves, making the joystick easier to control as the player feels less stress.*

it possible to prevent access to adult-rated games and limit playing time, as Microsoft and Nintendo have done on their new models, could eventually render moot the issue of restrictions at point of sale. But as the little-used V-chips in TV sets have illustrated, such controls are useless without an informed and committed parent to use them.

In Jane Addams’ day, thousands of city kids also had been abandoned, in effect, to the seductions of commercialized entertainments. Their mostly immigrant parents were either working or, when they were home, exhausted; in any event, the mostly peasant newcomers

around Hull House knew little of the dangers of the urban street.

The situation is not much changed in Illinois’ two-income and single-parent families today. This the governor acknowledged in his executive order setting up the gaming task force. “A working family may not have the time and technological sophistication to monitor each and every game its children play,” it read.

Is it unreasonable to expect that parents act as their own Juvenile Protective Association within their own homes? Writing in a day when women were held exclusively responsible for childrearing, Jane Addams warned in 1915, “As society grows more complicated, it is necessary that woman shall extend her sense of responsibility to many things outside of her own home if she would continue to preserve the home in its entirety.” A mother — or, today, father — trying conscientiously to rear children will, she added, “have to have some conscience in regard to public affairs lying quite outside of her immediate household.” But dangerous things outside the home have moved inside through television, the Internet and video games and have become private health problems.

In his post-ruling press statement, the governor, referring to research suggesting that kids easily get hold of mature video games, insisted, “parents should know that retailers are selling these games to their kids.” It takes no state law for parents to go into their kids’ rooms to learn which games they are playing. That so few apparently do, that so many rely on surveys and governors to tell them what their own kids are doing in their free time, suggests that the crisis in Illinois childrearing is not caused by makers of video games. □

*James Krohe Jr., a veteran commentator on Illinois public issues, is writing a guide to the state’s history for the Illinois Humanities Council. He is a frequent contributor to the magazine.*

# Shift into reverse?

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Federal concern about an Illinois university's program for minority students could reflect a change in civil rights policy

by Daniel C. Vock

Civil rights activists recoiled in November when lawyers from the U.S. Department of Justice threatened Southern Illinois University with a lawsuit over graduate programs the department says discriminate against whites.

But that's only one of several recent episodes that have brought the agency — and its commitment to protecting minority rights — under scrutiny. And the concerns come at a time when civil rights could well prove to be a hot topic again in Washington, D.C.

Questions about the Justice Department's direction abound.

The Republican chairman of the Senate Judiciary Committee, Arlen Specter of Pennsylvania, demanded an explanation in November from U.S. Attorney General Alberto Gonzales for "what appears to be a trend within the Department of Justice away from vigorous prosecution of civil rights cases."

Democrats, including U.S. Sen. Barack Obama of Illinois, have been even more outspoken. Obama, in particular, questioned the department's decision to let Georgia go ahead with a law requiring voters to show state-issued IDs, even though four of five career lawyers who reviewed the law concluded the agency should block it.

A federal judge put a block on the law after critics claimed it imposed what amounted to illegal poll taxes on poor and minority voters.

Obama and fellow Democratic Sen. Christopher Dodd of Connecticut said in a letter that they, too, were concerned the Georgia case was "just the latest example of a trend" of political appointees in the department overruling the recommendations of career lawyers.

Their letter came weeks before *The Washington Post* published excerpts of a memo by Justice Department staff lawyers arguing the agency should oppose a mid-decade Texas redistricting plan because it diluted the electoral strength of black and Hispanic voters. But political appointees at the top of the Justice Department overrode those concerns.

Eric Holland, a Justice spokesman, denies the department was backing down or changing direction on civil rights. "We continue the vigorous enforcement of our civil rights laws," Holland points to the Bush Administration's actions to help voters who don't speak English, a three-fold increase in enforcement actions for human trafficking laws, as well as increased pressure in housing, employment discrimination and disability access cases.

But critics of the administration's civil rights record focus on a 40 percent drop in prosecutions of civil rights crimes by the Justice Department's Civil Rights Division and a turnover of a fifth of the division's lawyers during the federal government's fiscal year 2005.

Mark Posner, a former Civil Rights

Division attorney who left in 2003, says politics are playing a greater role in decision-making in the agency than at any time in recent memory.

"The culture and scope of what they're trying to do is significantly different than what happened before" under the administrations of Ronald Reagan and the first George Bush, says Posner, who has taught electoral law at American University and the University of Maryland since leaving the agency.

Questions about the Justice Department's handling of civil rights matters come at a sensitive time. The makeup of the U.S. Supreme Court is changing for the first time in more than a decade with the pending retirement of Justice Sandra Day O'Connor and the death of Chief Justice William Rehnquist last summer. New Chief Justice John Roberts joined the court in September, and confirmation hearings for Samuel Alito were held last month.

The court has been changing rules on major civil rights issues, and it could again redefine the Justice Department's role in voting rights cases after it agreed to hear four challenges to Texas' politically charged remap effort, achieved with the muscle of former U.S. House Majority Leader Tom DeLay.

The new map helped Republicans gain six U.S. House seats during the 2004 elections. Challengers say it weakens minority voting strength in violation of the Voting Rights Act. The appeals also



*Southern Illinois University Carbondale runs several initiatives aimed at enhancing achievement among racial minorities and other underrepresented groups of students. Those include the Minority Engineering Program, the School of Law Tutorial, Future Scholars and the Business Minority Program. In fall 2005, the school's 16,697 undergraduates included 2,748 blacks. And black students accounted for 466 of the 4,744 graduate students. Pictured is an SIUC class on foundation design that is taught by civil engineering Professor Sanjeev Kumar.*

touch on the legality of drawing a map in the middle of the decade and using outdated Census data.

On top of the legal disputes, President George W. Bush stoked the fires on civil rights by nominating Hans von Spakovsky, who helped draft the Georgia ID law, for the Federal Election Commission. Spakovsky served as a top lawyer in the Civil Rights Division, where he played a key role in approving the Texas remap. Before that, he angered liberals when he headed the Voter Integrity Project, a conservative group that combats voter fraud.

In a letter to President Bush urging him to reconsider, Obama wrote: "Your recess appointment of Mr. von Spakovsky is contrary to the goals and spirit of the Voting Rights Act. Your action sends the wrong message about the importance of increasing participation in the political process and the fair administration of election laws."

And the Justice Department itself drew fire for a lawsuit it filed against a black politician in Mississippi. The move against Ike Brown, chairman of the Noxubee County Democratic Party, marks the first time in the history of the Voting Rights Act that the agency has sued a black politician for violating the

rights of white voters. The Justice Department accuses Brown of "recent relentless voting-related racial discrimination" for selectively enforcing absentee ballot rules to hurt white voters.

The Justice Department's decision to go after SIU likewise raised eyebrows because it targets reverse discrimination. The agency's letter, according to several press accounts, claimed the university "has engaged in a pattern or practice of intentional discrimination against whites, nonpreferred minorities and males" in violation of the Civil Rights Act of 1964. The Justice Department and SIUC declined to provide *Illinois Issues* with a copy.

Specifically, the department objected to three graduate programs, two aimed at helping students of minority races and one that benefits both women and minorities.

The programs, all started since 2000, cost about \$1.2 million a year. The lion's share of that money goes to the "Bridge to the Doctorate" program, which gives out \$30,000 in stipends and covers education expenses for minority students in graduate programs in science- and math-related fields.

The feds threatened the lawsuit after receiving a complaint from the Center

for Equal Opportunity, a group headed by conservative columnist Linda Chavez that opposes affirmative action.

Roger Clegg, president and top lawyer for the center, says the organization has sent letters to officials at hundreds of universities, including many in Illinois, questioning programs that were available only to minority students.

In most cases, he says, the colleges agreed to change the disputed programs. For those that didn't, the group normally filed complaints with the U.S. Department of Education, which handles discrimination cases dealing with students. But all of the disputed programs at SIU dealt with graduate students, who are sometimes considered employees, so Clegg's group referred that case to the Justice Department, which handles discrimination complaints by public employees.

Clegg worked as the second-in-charge of the agency's Civil Rights Division under Presidents Ronald Reagan and George H.W. Bush. He says reverse discrimination actions are "by no means unprecedented" in the Justice Department and were undertaken even under President Bill Clinton.

"The law is clear that this kind of ham-handed discrimination is not only unfair but illegal," he says. Still, he

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*While the department's handling of civil rights cases continues to draw interest, the courts and Congress continue to reshape the laws that define what the agency can do.*

### *Signs of a shift on civil rights?*

The U.S. Department of Justice:

- Threatened to sue Southern Illinois University in November over minority-preference programs it contends violate the Civil Rights Act of 1964 because they discriminate against whites.
- Lost one-fifth of its Civil Rights Division in fiscal year 2005.
- Sparked a request from the Republican chairman of the Senate Judiciary Committee for an explanation from U.S. Attorney General Alberto Gonzales for "what appears to be a trend within the Department of Justice away from vigorous prosecution of civil rights cases."
- Allowed a Georgia law requiring voters to show state-issued IDs, which critics equated to a poll tax on poor and minority voters, and a mid-decade Texas redistricting plan that diluted the electoral strength of black and Hispanic voters.
- Filed a suit against black Mississippi politician Ike Brown, chairman of the Noxubee County Democratic Party, that contends he violated the rights of white voters by selectively enforcing absentee ballot rules.

argues, the agency has been slow to act on complaints like the one brought against SIU.

"What the Justice Department is doing here is long overdue," Clegg says. "It is an open secret that university faculty give preferential treatment in the name of 'diversity.' The Justice Department ought to be filing a lot more of these lawsuits than it has."

SIU officials declined to comment on the matter, citing negotiations with the agency still under way in mid-January.

Clegg claims the complaint is on solid legal footing, but Obama, a former editor of the *Harvard Law Review*, questioned why the Bush Administration would pursue the claim. He told the *Chicago Sun-Times* that he thought the complaint was being used as a wedge issue to help the Bush Administration politically.

"If anything, the White House should be doing everything it can to encourage more engineering students and Ph.D.s. It strikes me as a completely unnecessary and divisive move and one that I think may be pretty cynical in its motive," he told that newspaper.

In his first year in the U.S. Senate, Obama repeatedly expressed concerns about the Justice Department's handling of other civil rights matters, particularly the Georgia ID case.

After *The Washington Post* wrote stories about the staff memos, Obama joined three other Senate Democrats and U.S. Rep. John Lewis, a Georgia Democrat who was an influential leader in the Civil Rights Movement, in questioning the Justice Department's handling of civil rights issues under the Bush Administration.

The Democrats wrote a letter to Attorney General Gonzales demanding an explanation for the decisions made by the department's Civil Rights Division. "The information reported in the press and available to the Congress shows an unacceptable decline in the number of traditional civil rights cases filed by the Division under this administration, particularly in the important area of voting rights; a disturbing attrition of experienced attorneys from the Division, and an increasing diversion of the Division's resources to non-civil rights issues, such as immigration enforcement."

The letter echoes concerns raised by Posner and other critics of how the Bush Administration has governed the agency. Posner, who had worked in the Justice Department beginning in the mid-1980s, claims there is even a stark difference in how the Civil Rights Division was run in the Reagan Administration and now. Political appointees often disagreed with career lawyers under Reagan, but the staff attorneys were still consulted and respected, Posner says.

But now, he argues, it appears that the Bush Administration is trying to remake the agency by enticing long-serving lawyers to retire early and by shifting the job of hiring new attorneys from the career staff to political appointees.

Clegg, a former political appointee in the division, says disagreements like the current one over the civil rights cases sometimes occur when administrations change. And, he argues, the career lawyers complaining about changes in the department are "politically motivated."

"When the administrations change, the legal philosophy and enforcement philosophy of the department are going to change, just as spending policy and defense policy are going to change. In a democracy, elections matter and the career people need to accept the fact that the people have spoken."

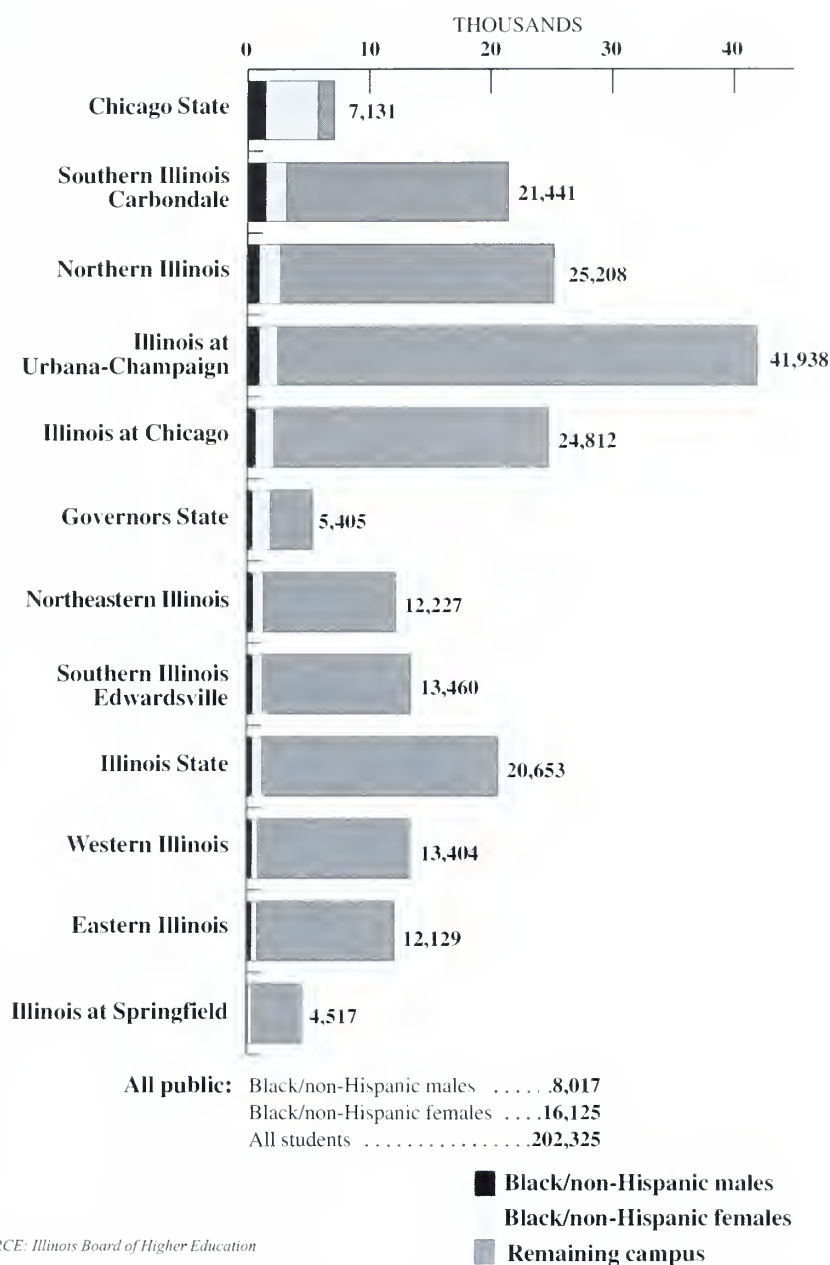
While the department's handling of civil rights cases continues to draw interest, the courts and Congress continue to reshape the laws that define what the agency can do.

Since 2000, the U.S. Supreme Court has issued decisions in three disputes that could have especially far-reaching impacts on minority rights.

First, the high court reinterpreted a key section of the Voting Rights Act in 2000, making it harder for the Justice Department to block electoral changes that would hurt minority voting strength. In *Reno v. Bossier Parish II*, the court determined that for the agency to halt a redistricting plan in a Louisiana school district, it had to show that the school board meant to leave black voters worse off after a redistricting plan than they were beforehand.

Both before and after the redistricting, black voters didn't have a majority in any of the 12 districts, even though they made up a fifth of the population. The

## Fall 2005 enrollment breakdown Illinois public universities



SOURCE: Illinois Board of Higher Education

local chapter of the National Association for the Advancement of Colored People presented a district plan that would have included majority-black districts, but the school board didn't adopt it.

The Justice Department said that showed they meant to harm black voters. The agency argued the Voting Rights Act gave it the right to block the plan because of the intent to hurt minority voting strength. But the high court, in a 5-4 decision, said that power only

applies when minority voters suffer a loss under a new plan. Because black voters had no majority-black districts to begin with, the Justice Department couldn't show any harm, the court ruled.

Three years later, the court, in another 5-4 split, signed off on a Democrat-backed redistricting plan in Georgia. In that case, the conservative wing of the court allowed Georgia to spread black voters out among more districts, instead of concentrating them into fewer districts

to increase their chances of electing black lawmakers.

Also in 2003, the justices handed down a pair of decisions dealing with affirmative action policies at the University of Michigan. They barred schools from automatically giving minority applicants a boost. But the judges also OK'd a process whereby officials considered minority status in a less rigid way to ensure the student body is diverse.

Congress, too, has a hand in changing civil rights policy. It will get a chance to reconsider the meaning of the Voting Rights Act because several of its provisions expire in 2007. That gives lawmakers the chance to rewrite the law that, among other things, requires states to draw congressional districts that maximize minority voting strength and mandates that most Southern states get federal approval for all sorts of election changes.

Posner, who has testified before Congress regarding the changes, says lawmakers can clarify the meaning of the law, especially in regards to the Justice Department authority that was at issue in the Louisiana case. In fact, the powers granted to the Justice Department in the "preclearance" procedures could prove to be the most significant issues during the reauthorization process, he predicts.

For now, though, the emphasis seems to be on what the Justice Department is doing with the power it already has in civil rights matters. Specter, the Senate Judiciary Committee chairman, asked Gonzales to report on whether the emphasis of the Civil Rights Division has indeed changed, as critics have alleged. That request was still unanswered as of mid-January.

"Some assert that the decline in DOJ Civil Rights prosecutions is a direct result of a change in political ideology that does not list civil rights enforcement as one of its top priorities," Specter wrote. "The proud history and continued work of this division should never be influenced by political ideology." □

*Daniel C. Vock, a reporter for Washington, D.C.-based Stateline.org, is the former Springfield bureau chief of the Chicago Daily Law Bulletin and a frequent contributor to Illinois Issues.*

# Beyond black

Race is just one factor that shapes  
the sensibilities of this trio of lawmakers

by Kevin McDermott

*Photograph courtesy of the state Senate Democrats*



*State Sen. James Clayborne Jr., a Belleville Democrat, has often backed pro-gun-owner legislation and opposed abortion rights measures, setting him at odds with fellow Black Caucus members.*

*Throughout the year, Illinois Issues will publish occasional mini-profiles of some of the state's rising public officials.*

Late one night in May, state Sen. James Clayborne Jr., a Belleville Democrat, stood on the Senate floor and fielded withering attacks from his fellow African-American senators over his sponsorship of landmark legislation to

cap noneconomic damages in medical malpractice lawsuits.

Sen. James Meeks, a Chicago independent, accused Clayborne of bowing to "downstate ideology" by pushing a measure that would lead to poor Illinoisans being "maimed." Sen. Kimberly Lightford of Maywood, a Democrat who chairs the Senate's Black Caucus, noted that Clayborne's district includes impov-

erished, mostly black East St. Louis, and chided: "I'm sure they don't know that you're down here, capping their opportunity to recover in the event they have serious damages."

Clayborne listened calmly, then responded with a speech suggesting that black lawmakers and other Democrats were slavishly doing the bidding of the trial attorneys' lobby, which opposed the

legislation. In an unusually incendiary comment from one of the Senate's more measured voices, Clayborne compared them to Civil War-era slaves obeying their masters.

"Get off the plantation," Clayborne said.

The line sparked what was probably the single hottest moment of racial acrimony in the Senate last year. It also confirmed for both sides of the aisle that Clayborne's race and party affiliation don't mean he can be expected to fall in line on major issues.

"He showed a great deal of leadership and political courage by doing what he did" on medical malpractice, says Senate Minority Leader Frank Watson of Greenville, who, like other Republicans, teamed with Clayborne to get the legislation approved. "It showed his true mettle, I thought."

It isn't the first time Clayborne has impressed Republicans and been at odds with fellow Democrats and Black Caucus members. As the only African-American senator from outside the Chicago region, Clayborne's stances on hot-button political issues — medical malpractice, gun control, abortion — often stray from or outright oppose those of his Chicago colleagues.

Clayborne was born in St. Louis, but only because his mother didn't like the so-called "black hospital" that served African Americans in the family's hometown. So she crossed the Mississippi River to deliver him. Clayborne grew up in East St. Louis when that traditionally mixed-race river town was turning into a mostly black "rustbelt" community.

He considers his upbringing there to have been a crucial advantage to him. "I saw black lawyers, black doctors, black police officers, so there was never any doubt in my mind that I could accomplish those goals," he says. "I felt that if I worked hard, there was nothing I couldn't achieve. If you don't grow up seeing those individuals, you may not have that self-esteem."

But he balks at being described as a black leader. "Why can't I just be a leader?"

Clayborne received his bachelor's degree in political science from Tennessee State University, got his law degree at the University of Miami, then returned

home to become a St. Clair County assistant state's attorney. He later entered private practice and, after the 1995 death of state Sen. Kenneth Hall, an East St. Louis Democrat, accepted an appointment to the Senate. He went on to win two re-election bids. He represents the 57th District.

As chairman of the Senate Environment and Energy Committee, Clayborne has been the Senate's point person on utility deregulation, a topic he expects to take much of his time this year.

Like most downstate Democrats, Clayborne has taken middle-to-right positions on some issues, in part because of the reality of representing a partly rural, socially traditionalist region. He has voted for legislation to protect gun-owner rights, lining up against most Chicago Democrats, black and white. He says he's a proponent of abortion rights, but has supported parental-notification measures. Mindful of the Metro East's post-industrial economic problems, Clayborne's backing of business-oriented economic development mirrors that of many Republicans.

"I've had [Democratic] colleagues complain that there's never been a business incentive program I didn't like," Clayborne jokes.

At the same time, Clayborne has embraced more traditionally urban causes close to his roots. He runs a mentoring program for East St. Louis high school boys in which they listen to talks from professional black men — an insurance agent, a business owner, a state police sergeant — in hopes of giving them the kind of examples Clayborne got growing up.

"You strike a balance, politically, in terms of representing your own views and your district's views," says Clayborne. "If you don't represent those constituents who sent you to Springfield, you're not going to be there very long."

He hasn't ruled out running for higher office. "Everybody thinks about higher office," he says. But he plans to remain in the Senate for now to have time with his four sons, ages 6 through 19, who are involved in basketball and other activities.

"I'm not willing to give that up at this point."

Kimberly Lightford's ascension to state politics began with a phone call she received prior to the 1998 primaries. Several Democratic political leaders from the Maywood area wanted her to consider running for a vacant seat in the Illinois Senate's 4th District. She was 29.

"I can't even tell you why they asked me to run," says Lightford, who had just been elected village trustee in west suburban Maywood. "I don't know if they thought, 'She's young, we can kind of control her.' They didn't know I was very independent and had family members with political backgrounds."

With her father, two aunts and other relatives running her campaign, she entered the race as an underdog, so poorly funded that her campaign posters were initially in black-and-white. She nonetheless won the Democratic primary, which was tantamount to winning the office in the heavily Democratic district in western Cook County.

She was seated at age 30 as Illinois' youngest-ever female senator. Two weeks into her term, she was again drafted by more seasoned politicians, this time to chair the Senate Black Caucus. Barack Obama, then a state senator from Chicago, nominated her. She won that first election and has had the job since.

Lightford is realistic about why a new, young lawmaker would be installed in that post above more experienced senators: "I didn't have any baggage. There was some divide there, and I wasn't on either side."

But from that post, others say, Lightford, now going into her eighth year in the Senate, has staked out her own agenda and style. She has pushed Black Caucus members to hone their issues down to a handful of items they can work on in concert each year, focusing on such high-profile topics as education funding (she currently chairs the Senate Education Committee). Last year, she co-sponsored legislation to expand HIV/AIDS testing in state prisons and spearheaded passage of the state's new regulations on the "payday loan" industry.

"Kim has shown she is her own person. She came in and hit the ground running," says Democratic Sen. Miguel del Valle,



*Democratic State Sen. Kimberly Lightford was born in Chicago, but she was 4 years old when her family moved to suburban Maywood, becoming "the third African-American family on the block."*

an assistant majority leader from Chicago.

Del Valle notes Lightford's continuing efforts to change the state's school funding formula with a controversial proposal to put more reliance on the state income tax than on local property taxes. "All legislators say they're for education reform, but there are certain votes that require political courage, and Kim Lightford has shown she's capable of casting those votes."

Lightford was born on Chicago's West Side, and moved to Maywood when she was 4. "We were the third African-American family on the block," she recalls. Growing up in the mixed-race community, she says, while still visiting relatives in mostly black neighborhoods in Chicago, gave her an early sense of race relations.

She also had early exposure to local Chicago politics through relatives, including a grandmother who was a precinct captain. "They'd have political events at the house, and me and my sisters were hostesses."

Still, Lightford didn't plan to go into politics herself. She went to Western Illinois University and then the University of Illinois at Springfield with the idea of becoming a math teacher or school administrator. While working on her

master's degree in public administration at UIS, she served an internship with the House Democrats and became interested in public policy. After graduating, she ran for and won the seat as village trustee in Maywood.

The biggest change in Lightford's life since arriving in the Senate has been an apolitical one. Her son, Isaiah, will be 5 in July. A single mother, Lightford has brought him with her to Springfield every year during session. "He'll tell you he's the governor," she says. "I'm creating a politician."

Lightford says she is considering going back to school for a doctorate, possibly to return to her earlier goal of a career in education. "There is life after this, I know."

However, she has no plans to leave politics anytime soon and hasn't ruled out a run at higher office — though she jokes that her thinking on that issue "depends on how I feel that day."

Meanwhile, she remains focused on a Senate career that began with political elders in Maywood suggesting a path she hadn't previously considered.

"I don't know what they saw in a 28-year-old," Lightford says. "Public service is nothing I ever sought. But I believe now it is my purpose."

State Rep. Marlow Colvin, a Chicago Democrat, was pulled over one night last year by two police cars carrying four officers, all white. One of them told him he had been going "a little fast."

"I was reaching for my license, and he says, 'Be careful, homey,'" recalls Colvin, the chairman of the House Black Caucus. "The implication was clear."

As soon as they discovered Colvin was a legislator, "They handed back my license and said, 'Have a nice night.'"

Colvin tells the story without showing anger. "It confirmed what I'd already known. In the context of being African American, it happens," he says matter-of-factly. "And maybe I was going a little fast."

It's not that Colvin doesn't see racial profiling as a problem. It's been a perennial issue since he arrived in the legislature five years ago, and, like virtually all of his African-American colleagues, he backs efforts to address it. But Colvin says he also believes it's important that the Black Caucus, and black lawmakers in general, aren't defined strictly by "black issues."

"The greatest misconception about the Black Caucus is that we walk in lockstep," says Colvin. "We have a wide-ranging set of issues." Among



*State Rep. Marlow Colvin was childhood friends with Todd Stroger, the son of the future Cook County Board President John Stroger.*

them, he says, are decidedly color-blind topics such as senior health care, consumer protection and education funding.

That broader view of the caucus' mission is part of the reason Colvin's colleagues have made him House Black Caucus chair for the past three years, despite being a relatively new lawmaker.

"Marlow has been an excellent bridge between different generations of politics," says House Deputy Majority Leader Arthur Turner, a Chicago Democrat who is a 25-year veteran of that chamber. "He's made great strides with his ability to understand the old guys and relate to the new guys.

"Part of that is his tutelage," Turner adds, noting Colvin's early Chicago political training, which literally began in childhood. "He's an old-timer when it comes to being around politicians."

In fact, the story behind Colvin's

arrival in the House is a classic, almost clichéd study in machine politics. He was born and raised in Chicago's Chatham-Avalon Park area, a working-class black neighborhood in the city's 8th Ward on Chicago's Southeast Side. His father worked at a factory that made corrugated boxes; his mother was a hotel elevator operator. Colvin and his five siblings attended Catholic grammar schools.

Among Colvin's childhood friends was Todd Stroger, son of powerful 8th Ward committeeman and future Cook County Board President John Stroger. As children, he and Todd hung out at John Stroger's office. Colvin didn't think of it back then as political training. "It was just a lot of fun for me at that time."

Later, Colvin started helping out in Stroger's 8th Ward, eventually becoming an assistant precinct captain. Meanwhile, he earned a bachelor's degree from

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*In the coming year, he says, his top priority will be to address rising home-heating costs. "Chicago is cold, man, and every time gas prices go up, there's another group of people who can't afford to heat their homes."*

Chicago State University and became an administrator with the Cook County assessor's office.

Todd Stroger was elected to the House in 1992. He remained there until 2001, when he left to take over as 8th Ward alderman. John Stroger, by then Cook County president, drafted Colvin to take over his son's House seat. "I didn't ask him for it," says Colvin. "One day he just called me up and asked me what my views are on public education and health care."

Colvin was re-elected twice to the 33rd District seat by focusing on issues important to the retired "empty-nesters" that make up much of his old neighborhood in Chicago.

In the coming year, he says, his top priority will be to address rising home-heating costs. "Chicago is cold, man, and every time gas prices go up, there's another group of people who can't afford to heat their homes." As chairman of the House Consumer Protection Committee, he's also exploring possible restrictions on refund loans that some businesses offer consumers — at high interest rates — in anticipation of their income tax refunds.

Colvin says it's "flattering" when people ask him if he's thought about seeking higher office, though he claims his focus right now remains "the needs of the Southeast Side of Chicago."

"I feel like I've had some impact," he says. "It's comforting when people come up to you in the store and say, 'I'm glad you're doing this.'"

*Kevin McDermott is the Springfield bureau chief of the St. Louis Post-Dispatch.*

# LOW EXPECTATIONS

## *Illinois continues to meet historical standards for corruption in state politics and government*

Analysis by Kent Redfield

Early in 2002, a colleague from Louisiana gave me a hard time about Illinois' slipping status as the center of public corruption. "You all haven't convicted a governor or a state legislator in a decade!" I could have pointed out that it had been five years, not 10, since we had convicted a state legislator. Still, he did have a point. Maybe the cumulative impact of the 1990 U.S. Supreme Court decision prohibiting patronage in Illinois public employment, the state lobbyist registration reforms enacted in 1995 and the stiffer campaign finance disclosure and ethics reforms enacted in 1999 had resulted in cleaner Illinois politics.

But had I known that spring what the next four years would bring, my response would have been, "You want to talk public corruption? Bring it on!"

In April 2002, former Gov. George Ryan's campaign fund and Scott Fawell,

Ryan's chief of staff when he was secretary of state, were indicted — and then convicted — by federal prosecutors on charges that included diverting public funds and public employees to Ryan's campaign for governor. The case grew out of an investigation into the selling of commercial driver's licenses by employees of the secretary of state's office during Ryan's two terms there.

Other related indictments followed. The most important were against Larry Warner, a close associate of Ryan's, Don Udstuen, a lobbyist for the Illinois State Medical Society, and Roger Stanley, a former state legislator turned political consultant. Udstuen and Stanley would cooperate with federal prosecutors and plead guilty to reduced charges.

In December 2003, Ryan and Warner were indicted on charges that included misuse of authority, obstruction of

justice and bribery. Their trial, still under way last month, also grew out of what is now known as the "licenses for bribes" scandal, which has resulted in at least 79 indictments and 73 guilty pleas or convictions.

Illinois has a long history of political corruption. The legendary political machine of Richard J. Daley set the standard for political corruption for more than 25 years. The discovery of more than \$900,000 in shoe boxes in the hotel room of Secretary of State Paul Powell after his death in 1970 only confirmed what people assumed about Illinois politics. In recent times, two former governors and a state attorney general have gone to jail, along with state legislators, state employees and local government officials almost too numerous to count.

But the fruits of our politics stand out

### **TIMELINE: Recent corruption charges and convictions**

#### **September 1998**

The U.S. Attorney for the Northern District of Illinois announces Operation Safe Road probe into allegations that commercial driver's licenses were swapped for bribes in the Illinois secretary of state's office. More than 70 individuals, including state government employees, have been convicted or pleaded guilty.

#### **February 2000**

Dean Bauer, former inspector general in George Ryan's secretary of state office, is indicted on charges that include racketeering, mail fraud and obstruction of justice.

#### **January 2001**

Bauer pleads guilty to obstruction of justice and is eventually sentenced to prison.

#### **April 2002**

Gov. George Ryan's campaign fund and Scott Fawell, Ryan's chief of staff during his secretary of state administration, are indicted on charges that involved diverting public funds to Ryan's campaign for governor.

in stark terms in the charges against Scott Fawell, George Ryan and Larry Warner. Federal prosecutors detailed abuses of power and betrayal of the public trust to benefit private interests and political agendas. From such major offenses as diverting public employees to political campaigns and fixing government contracts and property leases to such petty excesses as stealing reams of paper, those indictments picture politics at its worst.

Why is Illinois politics so corrupt? This state has a culture that emphasizes power, winning and jobs over the public interest. This translates into low political expectations. Further, Illinois election laws tend to limit participation. Access to public documents and information on government actions, as well as information on the private interests of public officials, is limited.

There are no limits on how much a person, association, company or union can contribute to political candidates. Nor are there prohibitions against contributions from business and professional interests regulated by the state. Prohibitions against economic relationships between public officials and private interests that might compromise government actions exist only in the broadest sense. And, in spite of laws and court rulings to the contrary, political patronage, rather than merit or need, dominates state hiring.

There are costs to public corruption that go beyond the money spent on criminal investigations and trials. The first is the loss of legitimacy in the political process. Real corruption destroys public support, but the appearance of corruption is just as corrosive. If everyone

believes Illinois politics is corrupt, there is no reason to accept the authority of government policies or programs.

The second cost is a loss of participation. When citizens share in the decision-making and have a vested interest in the outcomes, the foundations of the political system are strong. A corrupt political system doesn't encourage participation, nor does one where politics is reserved for professionals.

The third cost is a weakened talent pool for public service. If there is a widespread perception that patronage makes it difficult for talented people without political connections to get state jobs, then people will not become involved in government.

The final cost is the deterioration of the quality of state-provided services. Doing nothing state jobs, make-work contracts and inflated no-bid contracts take resources from the real job of state government. This makes meeting the basic obligations of education and health and welfare more difficult. Our politics also discourages the kinds of policy innovations that lead to improved ways of addressing these obligations.

In response to continuing political scandals, lawmakers approved additional ethics reforms for public officials and their employees during the fall 2003 legislative veto session; Gov. Rod Blagojevich signed them into law. Most significant, the new law established ethics commissions for the executive and legislative branches and inspectors general to investigate complaints, required ethics training for all state employees, restricted gift-giving to public officials, prohibited state employees

involved in negotiating large state contracts from taking jobs with those companies, and provided broader access to lobbyist registration and economic interest statements.

In addition to the new ethics law, Illinois has a campaign finance law requiring candidates to report contributions and expenditures, and lobbyists to register and report. A procurement law requires state agencies to set out requirements for competitive bidding. Public employees and officials are required to file statements of economic interest. And Illinois has enacted open meetings and freedom of information acts.

Do such laws really matter? Won't bad people do bad things in spite of the law? In fact, reform of the laws that govern Illinois politics would reduce actual corruption, as well as the appearance of corruption. For example, consider something as simple as the gift ban law enacted in 1999. Illinois' original gift ban legislation had a blanket exemption for "food and beverages consumed on the premises." In plain language, lobbyists could spend an unlimited amount "winning and dining" legislators. A limit of \$75 per day was added by the 2003 changes. But the fact remains that a lobbyist can legally buy \$75 worth of food and beverages for a legislator in a restaurant, but he or she cannot legally buy the same food and beverages at a grocery store and drop them off at the legislator's home. The message the law sends about political ethics is far from clear.

There are actions beyond throwing the bad people in jail that would result in improvements to the ethical climate. We need to place limits and prohibitions on

#### May 2002

an friend Donald Udstuen, Illinois Medical Society executive, is indicted on charges of tax fraud conspiracy related to kickbacks he allegedly took from lobbying work awarded through an.

#### June 2002

Former state representative and businessman Roger Stanley is indicted on charges that include money laundering and bribery. Prosecutors accuse him of paying bribes to get contracts with the Metra rail system. Udstuen pleads guilty.

#### March 2003

Fawell is found guilty of racketeering, theft of government funds, mail fraud, filing false tax returns and other charges related to allegations that he used state workers for Ryan campaign work. Ryan's campaign is found guilty, too.

#### May 2003

Stanley pleads guilty to mail fraud and a money laundering conspiracy.

the role of money in Illinois politics. These changes would make engaging in corrupt activity more difficult. The Illinois campaign finance system is one of the most unrestricted in the nation. Any individual, any group, any company, any union and any association can contribute any amount to anyone. The result is that companies seeking state contracts, and companies with state contracts, routinely make large (\$25,000, \$50,000 and \$100,000) contributions to the campaign funds of those holding or seeking statewide, legislative or local office. The same is true of labor unions, professional and trade associations, and companies seeking changes in Illinois law.

When a large contributor is successful in obtaining a contract or a favorable change in the law, the loser and the media routinely draw the conclusion that the result could indicate a conflict of interest. If true, the political process has been corrupted by money. If the linkage is credible, but ultimately untrue, it nevertheless has damaged the legitimacy of the process. It is fine to say most politicians are honest and no one is selling a vote or a contract for \$25,000. Similarly, it is true most people do not rob banks, but we do not test their resolve by leaving unattended stacks of \$100 bills by the teller windows. Limiting contributions to a reasonable amount, such as \$2,500 per election, would eliminate the temptation for real corruption and the appearance of corruption.

The same case can be made for allowing only individuals to make contributions to political campaigns. Illinois is one of the few states with no prohibitions on who can

contribute to campaigns. The principle that only people vote and so only people can contribute to political campaigns has existed at the federal level for more than 50 years. Corporations, labor unions or associations as corporate entities cannot contribute directly to federal candidates.

Even if the philosophical argument were not so compelling, the practical impact on corruption and the appearance of corruption from adopting prohibitions makes the change well worth doing. If companies seeking state contracts cannot contribute to public officials, and if public officials cannot solicit companies that want or have state contracts, then the appearance of *quid pro quos* and actual *quid pro quos* will no longer exist. The same logic applies to prohibitions on contributions from labor unions, corporations or associations seeking changes in Illinois law. Individuals could still make contributions, but limits and individual, rather than collective, responsibility for illegal actions would reduce the temptations and opportunities for corrupt activities.

We need to dramatically increase the amount of information we have about public transactions and the private interests of public officials and public employees. And we need to dramatically improve public access to the information that is available. This would reveal conflicts of interest in the legislative and executive processes and make corruption and the appearance of corruption more visible and less likely.

Currently, Illinois public officials and employees file statements of economic interest with the secretary of state. Lobbyists are required to register with

the secretary of state and file expenditure reports. All contracts between state government and private entities and all property leases between private entities and the state are filed with the comptroller's office. The details in those reports could be expanded.

The Open Meetings Act could be more uniformly enforced. The same is true for Illinois' Freedom of Information Act.

But while more information is always good, the real need lies in integrating that information and providing timely and complete access to it. Once-a-year reports, paper reports and reports posted online in PDF files are certainly better than no reports. Having information in a number of databases is better than not having information in a database. But, given the current state of electronic documents and database software, requiring electronic filing and semi-annual updates for statements of economic interest and lobbyist registration is not unreasonable. The same is true for requiring that comprehensive campaign disclosure reports be filed every three months rather than every six months.

All of this information should be accessible online in searchable databases. The next step would be to bring all of the information about economic interests, lobbying activities and registration, campaign contributions and expenditures, and state contracts and property leases together in one integrated database that is searchable online. The goal would be to enter a name such as Larry Warner's and search all of the data available on his relationships with public officials, public employees and state agencies.

Reporting and disclosure cast sunshine

#### May 2003

Alexandra Coutretsis, Fawell's fiancée, is indicted on perjury charges. Prosecutors say she destroyed evidence and lied to a grand jury investigating Fawell.

#### June 2003

Fawell is sentenced to 78 months in prison. Ryan's campaign is ordered to forfeit \$750,000.

#### September 2003

Stanley is sentenced to 27 months in prison.

#### December 2003

Former Gov. Ryan is indicted on charges of racketeering conspiracy, tax fraud and other charges. Prosecutors contend he took bribes and other corrupt payments and steered state contracts. Ryan friend Lawrence Warner, who prosecutors say contractors paid millions in payoffs for state work, is indicted in charges naming Ryan.

on the political process. In some cases, it exposes real or potential conflicts of interest. In others, it provides verification that no conflicts exist. Just as important, the fear of disclosure discourages actions and relationships that cannot stand the light of day.

We need to make the processes used to hire public employees and to award government contracts and property leases more merit-based and more open to the public. Patronage in hiring and pin-striped patronage in awarding contracts and leases may not have been invented in Illinois, but they survive and thrive here as in few other places.

We need laws, executive orders and agency rules at all levels of Illinois government that increase the talent pool for public employment and ensure that highly qualified people are hired to fill those jobs. We need to reduce the opportunity for corruption in public hiring by adopting measures that make information about job openings and hiring procedures public and accessible, provide greater specificity for job titles and require more rigorous ethics testing.

Bans on political contributions from those having or seeking state business, including contracts and property leases, would be good. A complete ban on corporate contributions would be better.

In addition, we need greater restrictions on no-bid contracts, more competitive leasing processes, more disclosure by those seeking to do business with the state, greater authority for inspectors general and greater disclosure and access to the public records of these transactions.

Finally, we need to raise public expectations. We need to reject the

politics of private interests and to create a politics of the public interest. Changing Illinois' political culture has to start at the top. Elected officials have to take political ethics seriously and lead by example. Leading by example means that being a contributor, associate or supporter of a public official is a disadvantage, rather than an advantage, when it comes to getting jobs, contracts or political favors. Leading by example means that public employment is about bringing in the best and the brightest. Leading by example means meeting the state's collective obligations rather than helping political supporters. Each person in a position of public responsibility must consider what message is being sent to the citizens of the state by his or her decisions and actions.

Changing Illinois' political culture also has to start at the bottom. Citizens have to expect more from their politicians and be willing to hold them accountable. One of the costs of public corruption has politicians paying a price at the polls for business as usual in Illinois. Indicting and convicting the bad guys is necessary. Changing laws to make corruption or the appearance of corruption more difficult also is necessary.

But these changes are not enough. Long-term change in the nature of Illinois politics has to flow from changes in the hearts and minds of citizens and politicians. How long will change take? Anyone working to bring ethics reform to Illinois politics soon learns that pessimism often is justified in the short run. But no one can look back over the past decade at the changes in Illinois laws and politics and not find reason for

long-term optimism. The passage of the 1999 and 2003 ethics laws show that change is possible.

However, the difficulty of achieving real change is aptly illustrated by the implementation of part of the 2003 ethics law. That law required all state employees to receive annual ethics training. This could have taken the form of training workshops or interactive online instruction. Instead, the annual ethics training program for all Illinois state employees consists of a short online presentation of materials on workplace ethics followed by a 10-question, multiple-choice test. Each employee sits alone in front of a computer and goes through an exercise that would not challenge a sixth-grader. Nor does it challenge anyone to think about the application of ethics to their lives.

The private response of state employees to this training program is almost universal ridicule. Given an opportunity to send a message that political corruption is a serious problem and political ethics are important, the state has adopted a program that trivializes the issues and minimizes the importance. Adding insult to injury, the firm responsible for developing the training turned out to be a contributor to Gov. Blagojevich's campaign fund. Fundamental change in Illinois political culture remains a work in progress. □

*Kent Redfield, a political scientist at the University of Illinois at Springfield, is director of the Institute for Legislative Studies in the Center for State Policy and Leadership. A more detailed version of his analysis appears in the forthcoming Almanac of Illinois Politics — 2006, published by Center Publications/Illinois Issues.*

SOURCE: U.S. Attorney's Office Northern District of Illinois, press reports

#### February 2004

people, including Fawell and Coutrets, are indicted on corruption charges in an alleged scheme to steer an \$11.5 million contract to a construction firm owned in 2001 to expand McCormick Place in Chicago.

#### May 2005

Health Facilities Planning Board member Stuart Levine is among those indicted because of an alleged fraud scheme involving kickbacks for trying to steer hospital construction work.

#### August 2005

Former Teacher Retirement System board member Levine and others are indicted on fraud charges related to a scheme to steer investment business to the system.

#### September 2005

Ryan and Warner go on trial together.

# THE CABINETMAKER

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*Should Abraham Lincoln's making and maintenance of his Cabinet be a model for others?*

Review essay by Allen C. Guelzo

## TEAM OF RIVALS *The Political Genius of Abraham Lincoln*

Doris Kearns Goodwin

Simon & Schuster

New York, 2005

Doris Kearns Goodwin's new book on Abraham Lincoln's Cabinet, *Team of Rivals: The Political Genius of Abraham Lincoln*, is another in a long line of tributes to the astute management of affairs demonstrated by the 16th president, this time focusing on the way he handled the competing egos and ambitions of his secretary of state (William Henry Seward), his secretary of the treasury (Salmon P. Chase) and his attorney general (Edward Bates).

This was, by any account, no mean feat, largely because it was a coalition Cabinet. Lincoln pulled together, writes Goodwin, "a mixture of former Whigs and Democrats, a combination of conciliators and hard-liners," harnessed them to the winning of the Civil War, and through it all managed to remain "the head of his own administration, the master of the most unusual cabinet in the history of the country."

*Team of Rivals* makes for great reading from a talented storyteller who has had to labor with more than the usual care to

redeem herself from the charges of plagiarism and sloppy note-taking that have descended on her previous presidential books on the Kennedys and the Roosevelts. But *Team of Rivals* does raise a few interesting questions beyond the scope of Goodwin's narrative that continue to be important for American politics. Among these are: What is the president's Cabinet? How should it be selected? How should it be managed by the president? How do we evaluate its success (or lack thereof)? And lastly, should Lincoln's making and maintenance of his Cabinet be a model for others? Lincoln did so much else right, how could he offer less than the perfect example in this sphere, as well?

Well, maybe.

The central problem in knowing how to measure a presidential Cabinet is that we lack an official yardstick. The Constitution makes no provision for a council of presidential advisers, apart from a vague provision in Article II, section 2, that "he may require the Opinion, in

writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices." Exactly what those "executive Departments" were or what the responsibilities of a "principal Officer" might be were never specified.

It was George Washington who set the precedent of designating the most important office chiefs — state, treasury, war, and the attorney general — as a "Cabinet," along the lines of a British parliamentary ministry. And the men whom Washington selected as those department chiefs — Thomas Jefferson, Alexander Hamilton, Henry Knox and Edmund Randolph — helped build that image further by functioning not only as presidential confidants but as the president's chief policy spokesmen.

*Any Cabinet that* featured Jefferson and Hamilton would set the bar for all subsequent Cabinets extremely high. But several of them actually managed to live up to it. Jefferson's Cabinet included

James Madison as secretary of state and the multitalented Albert Gallatin as secretary of the treasury, and, by the 1820s, the state department had been headed by such a distinguished succession of secretaries — James Monroe, John Quincy Adams, Henry Clay — that each administration's selection of a new secretary of state was viewed as the designation of that president's heir apparent.

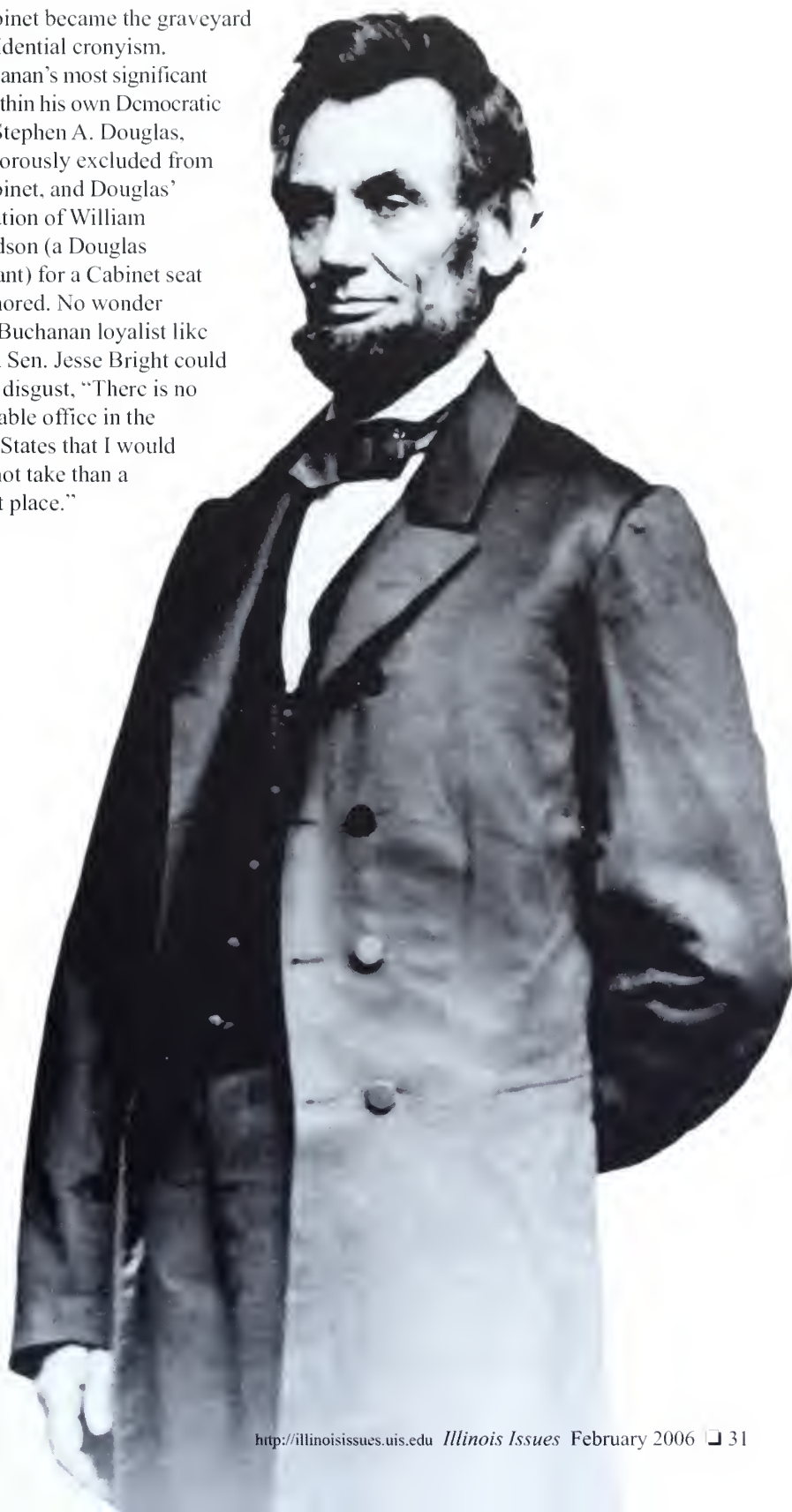
The presidency of Andrew Jackson marked a sudden downturn in the prestige of the Cabinet. Jackson had lost the presidential election of 1824 as a result of what he denounced as a "corrupt bargain" between Adams and Clay that saw Clay throw his support to Adams in return for Clay's nomination as state department chief. In 1828, Jackson won a resounding victory in the presidential election and decided to put the Cabinet — and the hopes of any ambitious aspirants to Cabinet office — firmly under his thumb.

Roger B. Taney, whom Jackson appointed attorney general and then secretary of the treasury, faithfully carried out Jackson's political destruction of the Bank of the United States; his secretary of war, John Eaton, was rumored to have won the job because of Jackson's fancy for his wife, the flirtatious Peggy Eaton.

By the time Lincoln was elected president in 1860, the Cabinet had grown in size, but not in stature. Under James Buchanan's presidency, the Cabinet now included a secretary of the interior (first introduced in 1849), a secretary of the Navy (the creation of John Adams' presidency in 1798) and a postmaster general (who was elevated to Cabinet rank in 1829). But apart from the two terms as secretary of state served by "godlike" Daniel Webster under Benjamin Harrison and Millard Fillmore, and Jefferson Davis' term as secretary of war under Franklin Pierce,

the Cabinet became the graveyard of presidential cronyism.

Buchanan's most significant rival within his own Democratic Party, Stephen A. Douglas, was rigorously excluded from the Cabinet, and Douglas' nomination of William Richardson (a Douglas lieutenant) for a Cabinet seat was ignored. No wonder even a Buchanan loyalist like Indiana Sen. Jesse Bright could sniff in disgust, "There is no respectable office in the United States that I would rather not take than a Cabinet place."



***Anyone looking over Lincoln's shoulder in 1861 would have decided that filling his Cabinet with the very men who were his greatest rivals, and who held him in the greatest contempt, was an act of political folly that bordered on the suicidal.***

***The sorry decline*** in the stature of the Cabinet makes Lincoln's appointments all the more remarkable, and for two reasons. First, he clearly selected individuals of uncommon ability to fill the senior Cabinet posts. William Henry Seward had been in national politics as a New York senator and governor since the 1840s and was one of the most widely respected political figures in the North. Salmon Chase was the brains of American anti-slavery politics, having served as Ohio's governor and senator. Montgomery Blair, who got the nod as postmaster general, was a member of the most powerful political family in the republic, and had served as a member of the slave Dred Scott's defense team in Scott's unsuccessful bid for freedom before the Supreme Court in 1857.

But more significant than the professional standing of these appointees, their place in the Republican Party's political pecking order created the greatest surprise. Seward had been the Republicans' unquestioned front-runner before the 1860 Republican convention; Chase had not been very far behind him, and even Attorney General Bates had been more seriously considered by the pundits for the Republican presidential nomination than Abraham Lincoln. By contrast, Lincoln had been a dark-horse nominee. He had a modest national profile, but no executive experience at the federal or state level, and no congressional experience since his solitary and resultless term in the House of Representatives from 1847 through 1849.

That Lincoln would at once invite

Chase, Seward and Bates into the Cabinet, and then Monty Blair, ran the risk of looking weak. Having robbed them of their rightful place, Lincoln seemed to be almost apologetically offering them substitute spots where they could fall at once to undermining and subverting his presidency. And, to a certain extent, that is exactly what Seward and Chase did.

Seward at first saw Lincoln as a figurehead candidate, a "little Illinois lawyer" who needed the services of someone like himself to function as the power behind the throne, and Chase's itch for the presidency grew so offensive that by 1864 he was encouraging his allies in the Senate in a dump-Lincoln campaign — while still serving in Lincoln's Cabinet. Bates' ambitions never ran so far as to actually challenge the president he was supposed to serve, but even he could not help sneering at Lincoln.

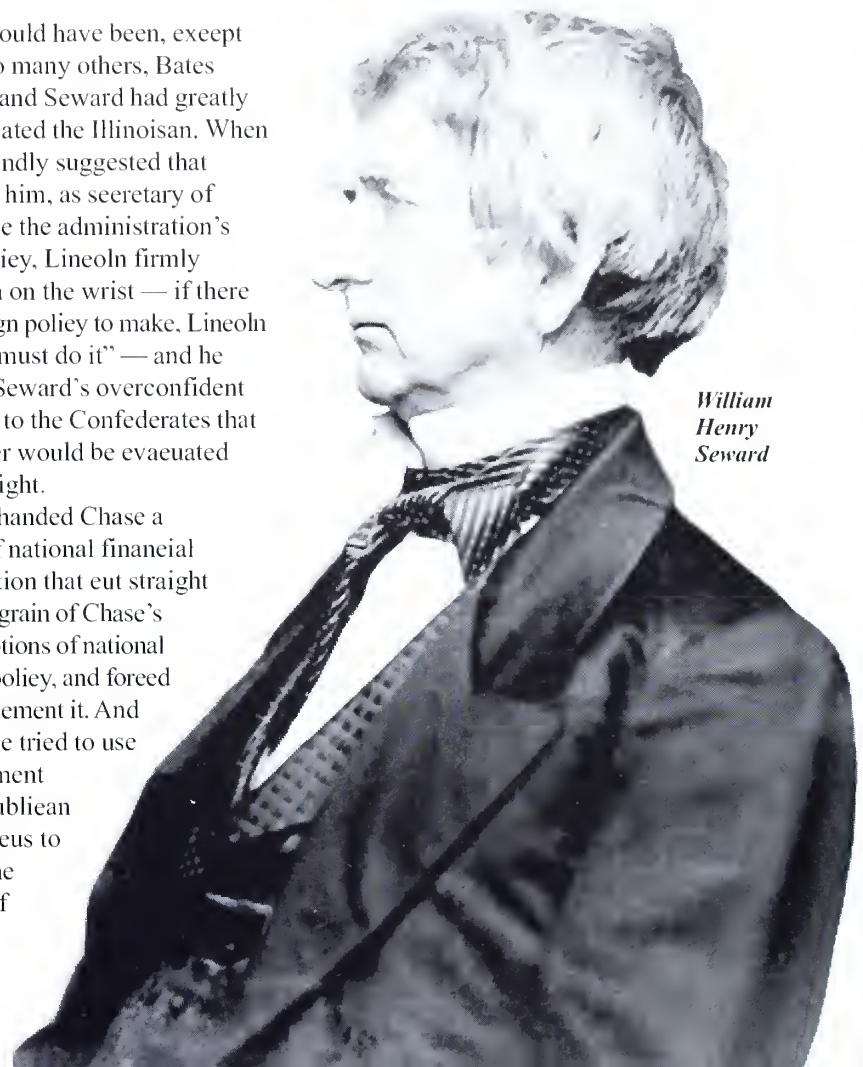
Anyone looking over Lincoln's shoulder in 1861 would have decided that filling his Cabinet with the very men who were his greatest rivals, and who held him in the greatest contempt, was an act of political folly that bordered on the suicidal.

And it would have been, except that, like so many others, Bates and Chase and Seward had greatly underestimated the Illinoisian. When Seward blandly suggested that Lincoln let him, as secretary of state, devise the administration's foreign policy, Lincoln firmly rapped him on the wrist — if there was a foreign policy to make. Lincoln replied, "I must do it" — and he overruled Seward's overconfident assurances to the Confederates that Fort Sumter would be evacuated without a fight.

Lincoln handed Chase a program of national financial reorganization that cut straight against the grain of Chase's personal notions of national economic policy, and forced him to implement it. And when Chase tried to use disgruntlement in the Republican Senate caucus to engineer the downfall of

Seward in December 1862, Lincoln shrewdly turned the tables on Chase and exposed his back-stairs gossip as a tissue of political lies. By 1863, Lincoln's personal junior secretary, John M. Hay, could chuckle at Lincoln's "tyrannous authority" over the Cabinet. "The trash you read every day about wrangles in the Cabinet about measures of state policy looks very silly from an inside view," Hay wrote. "Abraham Rex is the central figure continually. I wish you could see as I do, that he is devilish near an autocrat in this Administration."

***Bending figures like*** Chase, Seward and Bates to his will is the supreme achievement that Goodwin lauds in Lincoln. But it is an achievement that leaves dangling two major issues in the history of the presidential Cabinet. First, there is the question of whether Lincoln may actually have over-controlled his Cabinet. Chase was notorious for wailing that Lincoln treated the Cabinet as "only separate heads of departments," as though they were "heads of factories supplying shoes or clothing ... meeting



***William  
Henry  
Seward***

now and then for talk on whatever happens to come uppermost." But Lincoln was well-known for being an overachieving workaholic, and Chase was seconded in his complaint by no one less than Lincoln himself. When Lincoln's old judicial friend, David Davis, "asked him once about his Cabinet," Lincoln replied that "he never Consulted his Cabinet." This certainly dampened any efforts by Cabinet members to make political

hay out of their positions, but it also may have severely cramped the real application of their ingenuity to the war's problems.

The other issue is what, exactly, these restraints left for Cabinet members to do in the Lincoln Administration. We know that Blair and Chase, presiding over the postal network and the customs agencies, controlled a vast skein of patronage appointments that made them even more powerful than their immediate responsibilities as Cabinet secretaries did. But neither Goodwin nor Burton Hendrick (the other major commentator on Lincoln's Cabinet in his dramatic 1946 opus, *Lincoln's War Cabinet*) give us very much of a feel for the day-to-day routine and responsibilities of the state or treasury departments. And that is a serious weakness, since the Civil War called forth a substantial increase in the size of the federal bureaucracy and the importance of the Cabinet secretaries.

*Team of Rivals* is largely about

Lincoln's personal relationships with his fractious Cabinet, not their relationships to each other or to their departments.

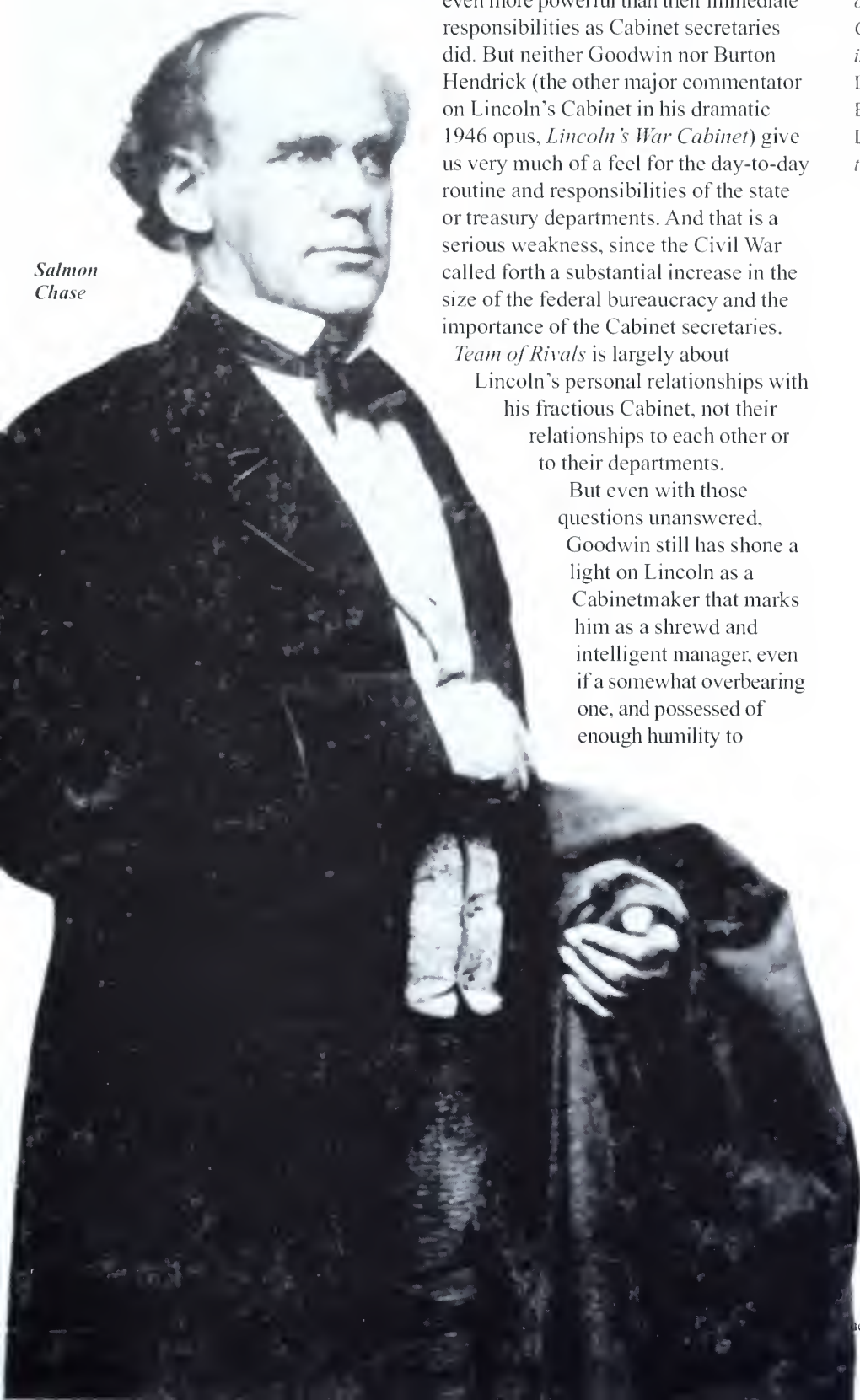
But even with those questions unanswered, Goodwin still has shone a light on Lincoln as a Cabinetmaker that marks him as a shrewd and intelligent manager, even if a somewhat overbearing one, and possessed of enough humility to

admit that even his greatest political rivals had gifts the nation needed.

There is not enough here to say whether Lincoln was as good a Cabinetmaker as he was a politician. But humility and intelligence are good lessons for any president to learn, and great ones to learn from Abraham Lincoln. □

*Allen C. Guelzo is the Henry R. Luce Professor of the Civil War Era and director of the Civil War Era Studies program at Gettysburg College in Pennsylvania. He is the author of several books, including Lincoln's Emancipation Proclamation: The End of Slavery in America and Abraham Lincoln, Redeemer President, which won the Lincoln Prize in 2000.*

Salmon  
Chase



## SHIFTS AT THE TOP

Col. **Jill Morgenthauer** has been hired to replace **Carl Hawkinson** as the state's head of homeland security. Gov. Rod Blagojevich named Morgenthauer, who had been manager of the Emergency Response Center at Argonne National Laboratory, as deputy chief of staff for public safety. Hawkinson, who retired at the end of 2005, had been Blagojevich's adviser on public safety.

Morgenthauer, a colonel in the Army Reserve, worked in command centers in Berlin, Bosnia, Iraq and Korea, and in disaster recovery.

**Sam Flood** is the acting director of the Illinois Department of Natural Resources. He fills a vacancy created by the retirement of **Joel Brunsvold**, who had run the agency since April 2003. Brunsvold had been a longtime state representative.

Flood was named assistant director in October. He had been in charge of preparing for the opening later this year of the World Shooting and Recreation Complex in Sparta.

## Former state rep. returns

**Jim Durkin**, a former Republican state representative from Western Springs, was named to fill a state House vacancy left by the retirement of longtime state Rep. **Eileen Lyons**, also of Western Springs.

## Senate president has heart procedure

Sen. President **Emil Jones Jr.** had an angioplasty done in Chicago nine days before returning to Springfield to open the new legislative session. The Chicago Democrat recovered in time to lead the Senate on its opening day of business for 2006. The procedure, done at the University of Chicago Hospitals, fixed a minor blockage in a coronary artery.

## Taxpayer group ex-chief takes new association job

**Tim Bramlet**, former president of the Taxpayers' Federation of Illinois, has been hired as the executive director of the Illinois Beverage Association, which represents soft drink makers and distributors.



*Shmuel Ashkenasi, Marc Johnson, Mathias Tacke and Richard Young are the Vermeer Quartet.*

## HONORS

**Shmuel Ashkenasi, Marc Johnson, Mathias Tacke and Richard Young**, the members of Northern Illinois University's Vermeer Quartet, received a Grammy nomination for their two-disc package, *Bartók: Complete String Quartets*.

Released on the Naxos label in 2005, the recording was nominated in the Best Chamber Music Performance category. The Grammy awards will be presented February 8.

The members of the quartet — violinists Ashkenasi and Tacke, violist Young and cellist Johnson — recorded the six quartets over the past two years at a studio near Toronto. The quartet has been part of the resident artist faculty of the NIU School of Music for more than 35 years.

## Illinois State Museum taps new director

**Bonnie Styles** is the first woman to head the 128-year-old Illinois State Museum. She has been interim director of the Springfield-based institution, which also has sites in Chicago, Lewistown, Lockport and Rend Lake, since July.

She replaced **R. Bruce McMillan**, who had been on a six-month research leave. He retired from the museum in December after 29 years. McMillan has been named director emeritus and will continue to work at the museum as a researcher.

Styles, who has a doctorate degree in anthropology from Northwestern University in Evanston, has worked at the museum since 1977, when she was hired as associate curator of anthropology. She became curator in 1983, director of sciences in 1988 and associate director of science and education in 1999.

Among projects Styles developed for the museum are *Changes*, which portrays 500 million years of environmental history in Illinois, and the Illinois Native American exhibit, *Peoples of the Past*.

## Big people on campus

**Susan Scrimshaw**, dean of the University of Illinois at Chicago's School of Public Health, has been named president of Simmons College in Boston.

Scrimshaw, who becomes president of the private college July 1, will leave UIC at the end of the academic year.

The medical anthropologist became a dean at UIC in 1994.

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>

## Governor picks ex-mayor to be ICC chairman

**Charles Box**, former mayor of Rockford, was appointed by Gov. Rod Blagojevich to head the Illinois Commerce Commission, which regulates public utilities.

The governor's previous appointment to the commission, **Martin Cohen**, former Citizens Utility Board chairman, failed to get Senate confirmation and had to step down from the position. Instead, Blagojevich hired Cohen to a new position: director of consumer affairs. That announcement came the day after the governor named Box.

Blagojevich sought a new chair for the commission after **Edward Hurley** resigned late last year and took a new energy-related position in the administration.

Box, who was mayor of Rockford from 1989 to 2001, was the first African American to win that post. He was praised by Blagojevich in a prepared release as a "veteran public servant who has shown throughout his distinguished career that he can be fair-minded and make decisions in the best interest of the public."

## Chicagoan's team finds clues about Mesopotamia

**Clemens Reichel**, research associate at the Oriental Institute of the University of Chicago, co-directed a Syrian-American archaeological expedition that turned up the answer to a millennia-old question. The team's findings at Hamoukar — the site of an ancient city in northeastern Syria near the Iraqi border — indicated that a huge battle destroyed one of the world's earliest cities at around 3500 B.C. The team's discovery shows the earliest signs of large-scale warfare in the Mesopotamian civilization.

Photograph courtesy of the University of Chicago



The University of Chicago's Clemens Reichel and Salam al-Quutar of the Syrian Department of Antiquities and Cambridge University co-directed an archaeological expedition in Syria.

## UIUC prof leads research into swine genome

**Lawrence Schook**, an animal science professor at the University of Illinois at Urbana-Champaign, is heading a project to sequence the swine genome for the first time.

Schook will lead fellow UIUC scientists Jonathan Beever and Bruce Schatz and researchers from seven other institutions in the \$20 million project. The pig supplying DNA for the study was raised at UIUC, but the research will be performed in the United Kingdom.

## Correction

*Illinois Issues'* obituary on former state Rep. Monroe Flinn included inaccurate information about an element of his background. Flinn was a delegate at the 1968 Democratic National Convention.



Vincent Webb

## Crime center director pens book on gang units

**Vincent Webb**, director of the Center for the Study of Crime, Delinquency and Corrections at Southern Illinois University Carbondale, is the co-author of *On Their Own: Policing Gangs in America*, a book published in January by Cambridge University Press that concludes officers in gang units often have little training, assigned duties or supervision.

The book is the result of a three-year study of police gang units in four cities that Webb conducted with his co-author, **Charles Katz**, associate professor of crime, justice and criminology at Arizona State University in Tempe.

The study, which involved analysis of documents, interviews with police and observation of their behavior, was funded by the National Institute of Justice.

## Mine rescue crew feted

**Pete Bryant, Brett Bushong, Ty Hunt, Brad Kauffman, Paul Perrine, Brandon Sanson and Alan Setzer**, the rescue team from the Viper Mine near Williamsville, helped search for 13 miners trapped underground at the Sago Mine in West Virginia. Gov. Rod Blagojevich proclaimed January 12 as Viper Mine Rescue Crew Day.

## Scholar gives journals to Russia

**Frank Klingberg**, a professor emeritus of political science at Southern Illinois University Carbondale, recently donated his 1,800-copy collection of academic journals to the Institute of Philosophy and Law at Ekaterinburg in the Urals province of Russia.



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We reserve the right to excerpt them.

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Charles N. Wheeler III



## Let the buyer beware of the governor's State of the State

by Charles N. Wheeler III

Gov. Rod Blagojevich's State of the State address had a familiar ring for devotees of late-night television, where infomercials reign supreme. Sounding like a video pitchman, the governor extolled the "significant progress" the state has made during his tenure and promised even greater achievements in the future.

In the 39-minute address, Blagojevich touted his record in health care, school funding and job creation, pushed a \$3.2 billion public works plan, and offered new initiatives to help pay college tuition costs and to provide veterans health care.

And he contrasted his record on health care, education and jobs to policies out of Washington that he said have been "indifferent and sometimes even hostile" to working and middle-class families. Indeed, the governor's frequent criticisms of the Republican-controlled federal government made it seem as though Blagojevich were gearing up for a national role, rather than laying the groundwork for a gubernatorial campaign.

But just as discerning viewers take the TV hucksters' claims with a large measure of skepticism, so too might Illinois voters want to examine in greater detail some of the governor's talking points.

Consider, for example, the governor's claim to have solved the budget woes he faced when he took office in January 2003. "The \$5 billion budget hole could

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have been filled with massive cuts in health care," he said. "We could have cut education. We could have raised taxes and asked people to have less money in their paychecks. A lot of people said you couldn't increase funding for schools, provide health care for kids, eliminate the deficit and do it all without raising taxes. But we found a different way."

In fact, the governor's "different way" largely involved raising business taxes and fees — to the tune of roughly \$1 billion — borrowing unprecedented amounts and putting off paying billions of dollars of obligations.

In Blagojevich's first three years, the state's outstanding debt jumped to \$19.9 billion from \$7.6 billion, including \$10 billion in pension bonds. Moreover, the payment schedule was "backloaded," so that only interest was paid in the first few years with most of the principal to be paid in the final years of the bonds, saving some \$1.3 billion in debt service costs during the governor's first term. Over the life of the bonds, however, the

backloading will cost the state some \$6.3 billion more, according to analysts.

Similarly, the legislature and the governor chose to reduce pension contributions by \$2.3 billion this year and next, freeing up those dollars for health care, education and the other causes so dear to the governor. But the long-term price tag to the state could be as high as \$6.8 billion, largely in lost investment income from the money not put into the retirement kitty.

And, despite borrowing \$1 billion in November to pay past due Medicaid claims, the state still faced a \$906 million cash payables backlog at year's end, according to the comptroller's office.

In his address, the governor noted that education funding has increased by \$2.3 billion during his tenure, more than any other Midwestern state. While commendable, the influx of state dollars has made only a minor dent in the inequity that plagues school funding in Illinois because of the state's heavy reliance on local property taxes, enabling wealthier school districts to spend two or three times as much per student as their poorer cousins. As a result, Illinois earned only a D+ for resource equity in *Quality Counts — 2006*, a nationally recognized survey of education policy, the worst performance of any Midwestern state.

Blagojevich also proposed a \$1,000 tuition tax credit for the first two years of college for students who keep a "B" average, which he said would help make

“the dream of college affordable.”

Indeed, tuition has been increasing, an average of 10.5 percent a year for the state’s public universities over the past five years. But the tuition hikes are largely the result of a decline in state funding for the institutions, down some \$196 million, or 13 percent, during the same period. While the need for some relief seems clear, less certain is how the state can afford the program’s estimated \$90 million price tag.

In similar fashion, the governor crowed that Illinois is the only state “that guarantees every child access to affordable, comprehensive health care.” Whether a guarantee on paper translates into actual health care for real kids remains to be seen. In fact, the administration has yet to fashion the rules under which the program will operate starting in July, and major questions remain about physician participation and program costs.

The governor also didn’t offer any funding source for his proposal to provide health coverage for uninsured military veterans who don’t live near a veterans’

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***In addition, funding concerns dog the governor’s public works initiative, which he labeled a “jobs bill” in his address.***

hospital, which carries an estimated \$10 million price tag.

In addition, funding concerns dog the governor’s public works initiative, which he labeled a “jobs bill” in his address. The plan calls for borrowing \$2.3 billion for highway and bridge projects, \$425 million for mass transit improvements and \$500 million for school construction. Blagojevich contends the highway bonds can be repaid with \$200 million a year in surplus money from the state’s road-building accounts. To cover mass transit,

he’s counting on \$35 million a year in natural revenue growth from an improving economy, while the \$45 million a year to repay the school bonds would come from a new gambling game, keno.

But transportation analysts question whether the road fund has a surplus, given the state’s growing backlog of highway maintenance work, much of which can’t be paid for with bonds. And public reaction was so negative to Blagojevich’s plan to expand the state’s gambling roster that he omitted mention of keno in the address.

The governor’s aides assured reporters and other skeptics that the State of the State was a vision statement of sorts, that the details — including how to pay for the new initiatives — would be made clear in a few weeks when the governor delivers his FY 2007 budget proposal.

Until then, the prudent response to the State of the State — just as to any other infomercial — probably should be caveat emptor, let the buyer beware. □

*Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.*

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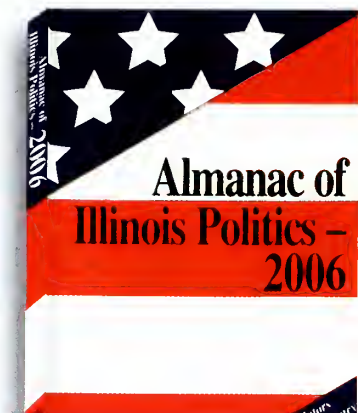
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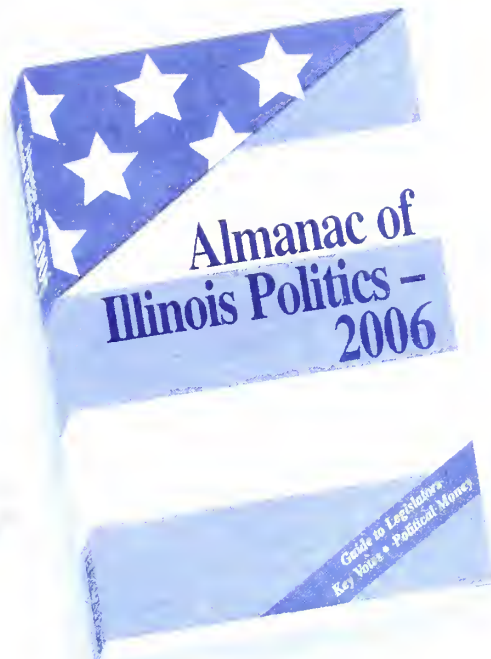
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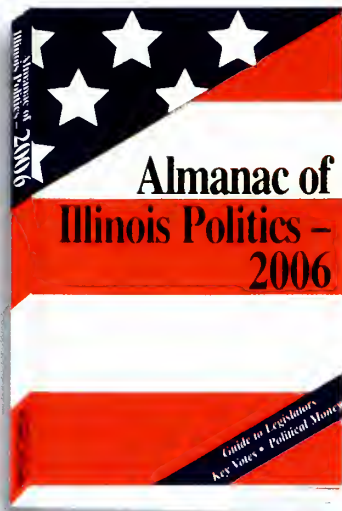
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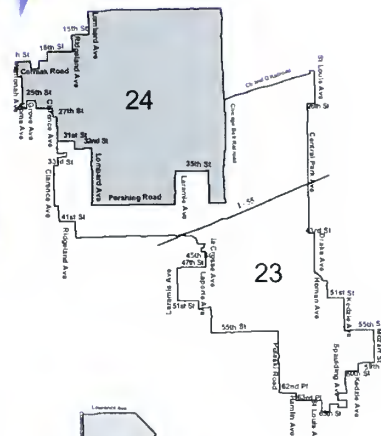
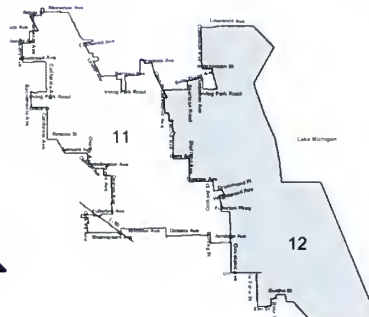
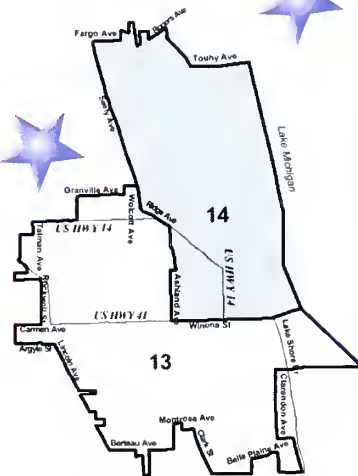
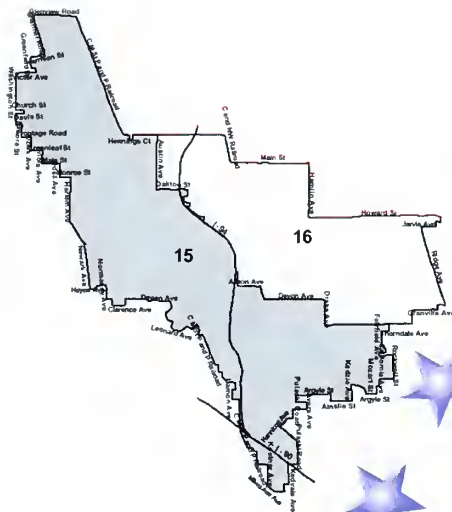
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